

MAGAZINE OF AMERICAN HISTORY

VOL. XII

JULY, 1884

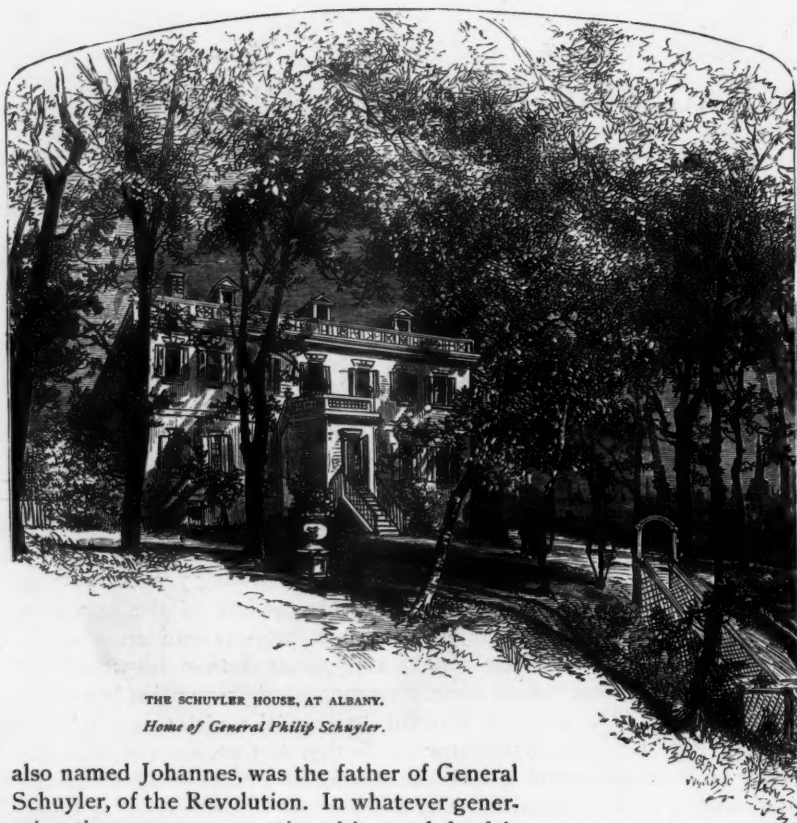
No. 1

HISTORIC HOMES

THE SCHUYLER HOUSE, AT ALBANY

ONE hundred years ago, Major-General Philip Schuyler was resting on his laurels as the most efficient and untiring soldier in the Northern Department. Justice—in his case thrice leaden-footed—had at last asserted herself against the wiles of smaller souls whose patriotism was bounded by a geographical line, and who condemned the gallant officer because his sympathies were with his neighbors in the State of New York. Thoroughly vindicated against the charge of narrowness regarding the boundary with New England, General Schuyler, after long years of waiting, found himself also vindicated in respect to his conduct of the campaign when he was one of the four major-generals in the American army of the Revolution. A character less strong and generous than his would not have concealed its resentment when, after months of preparation in sowing, another commander was put forward to reap the victory—*tulit alter honores*. But time, the conservator of all that is true, showed that the victory at Saratoga—which gained the alliance of France—was due to the conscientious work of Schuyler, thus bearing out the comment of Chancellor Kent that “his military life was one of utility and not of brilliancy.”

For several generations the Schuyler family had exerted a powerful influence over the Indians, and so completely had they won the confidence of the red-men that no invasions of Albany were ever attempted. The influence of the family was always thrown upon the side of law and order, even in those early days when the progenitor, Philip Pietersen, sustained the Patroon against the claim of Governor Stuyvesant that the jurisdiction of the fort on the hill extended over the area that could be swept by a cannon-ball. It was Johannes, a son of the progenitor—brother to Peter, the first Mayor of Albany—who led the Mohawks into Canada in retaliation for the massacre at Schenectady. A son of this Johannes,



THE SCHUYLER HOUSE, AT ALBANY.

Home of General Philip Schuyler.

also named Johannes, was the father of General Schuyler, of the Revolution. In whatever generation the name was mentioned it stood for fair dealing with the Indian and for loyalty to the existing powers. Among the early mayors of Albany, the Schuyler family gave Peter, Johannes, and Johannes, Jr.; and among the soldiers of the last French and Indian war young Philip Schuyler gave his best service to Sir William Johnson, at Fort Edward, and to Abercrombie, at Ticonderoga. But when resistance to former friends seemed inevitable, young Schuyler shared with George Clinton and Philip Livingston the honor of carrying through the Assembly of New York a series of resolutions against the British Parliament. Henceforth his efforts with the Indians were often rendered of no avail by the craft of the Johnsons, and yet the fact is too often overlooked that the

Revolutionary war might have been much prolonged if General Schuyler had not, to some extent, pacified the Mohawks, and especially the Oneidas.

It was an intensely active life, that of General Schuyler during the Revolution. We may imagine his forebodings at the age of 41, when Washington ordered him to watch Governor Tryon at the South, Colonel Guy Johnson at the West, and to provision the posts on Lake Champlain at the North. Then we see him joining the New England troops in their advance upon Montreal and Quebec, but forced to give up the command to Montgomery on account of illness. Still later, and after pledging his own personal credit for the public wants, we see him preparing to meet the invading army of Burgoyne, sending help to Fort Schuyler when it could with difficulty be spared, and retiring from the command when the line of defense had been made secure. In civil life we also discover him in the legislative bodies of both the



CATHARINE VAN RENSSELAER SCHUYLER.

State and the nation, urging forward the re-formation of the army, planning an improvement of the State revenues, and laying the foundation of that system of inland navigation which developed into the Erie Canal.

The home life of a public man of such prominence as General Schuyler must always be interesting and instructive. The stormy days of war left him but little time for the duties of the fireside, but after the conflict was over, we can imagine how satisfactorily he rested from his toil, and how gratefully he worshiped in the old Dutch Church, lighted up with the fenestral arms of his own family and those of the Wendells, Jacobsens, and

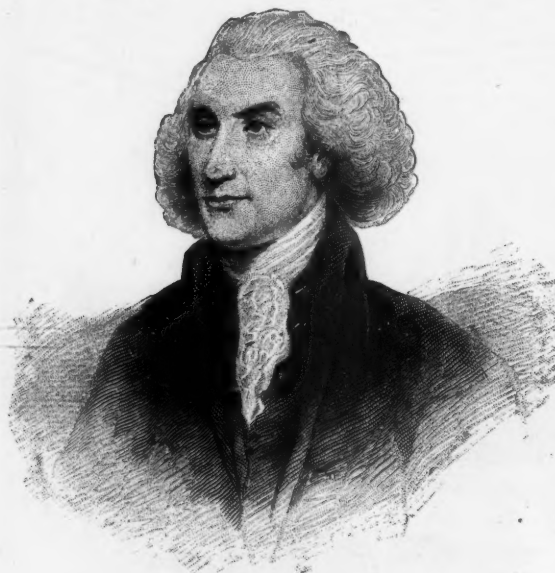
Van Rensselaers. In the councils of State his faith rested upon a newly-devised government that should be strong enough to resist decay by the political elements that might war against it, and his strict Federalism had its influence upon the maturing mind of Alexander Hamilton. And when the citizens of Albany celebrated the ratification of the Constitution of the

United States with a great procession, we learn that General Schuyler, on horseback, bore aloft "the Constitution neatly engrossed on parchment, and suspended on a decorated staff," quite as proudly as he wore his sidearms during the shock of battle.

There are three Schuyler houses, or mansions, known to history, and they are all in existence to-day. The oldest, and on many accounts the most interesting, is the house at "the flats," on the west bank of the Hudson four miles north of Albany.

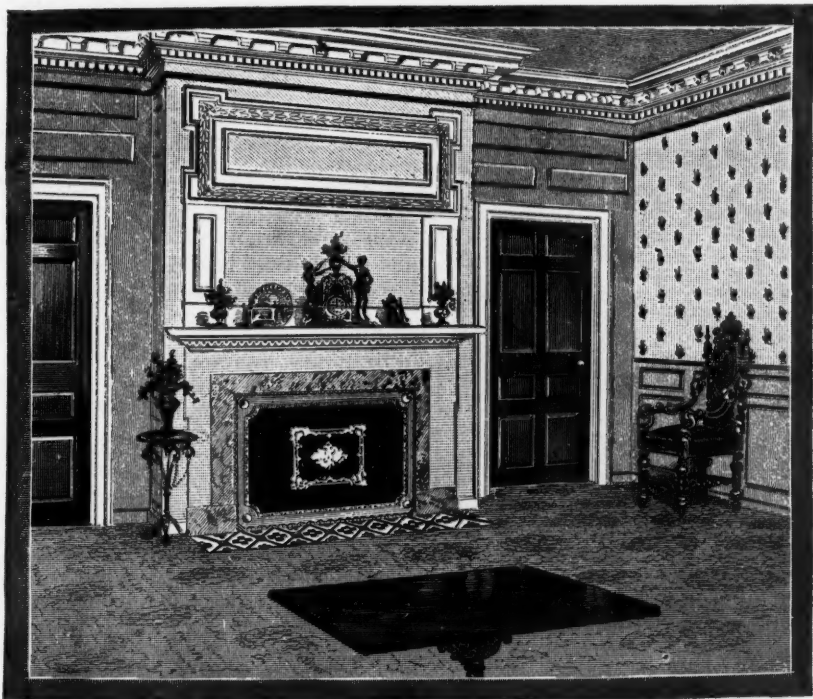
This estate was cleared by Arent Van

Corlear for Richard Van Rensselaer, a son of the original Patroon. More than 200 years ago it was sold to Philip Pietersen Schuyler, whose descendants—through Peter, the first mayor of Albany—occupy it still. Across the lane is the private burial-ground, where rest the remains of the earlier members of the family. Here is the grave of Philip Schuyler, who married "the American lady" of social and historic fame, and whose grave is said to be close at hand. Here, also, are the remains of Johannes,



Ph. Schuyler

the father of General Philip Schuyler. The house itself was originally of stone, and steep-roofed in the Dutch style. It was large and roomy, and hither came many of the British officers, as to a home, during the long



THE DRAWING ROOM.

[Scene of the marriage of Alexander Hamilton to Elizabeth Schuyler. Also, at a later date, of Ex-President Fillmore to Mrs. McIntosh.]

wars with France. The hospitality within its walls gave tone to society in the city of Albany when "Aunt" Schuyler, or "the Madame," as she was sometimes called, was the presiding genius of the house. But the closing days of French power beheld Lord Howe's corpse in the mansion which he had often visited as a guest; and the barns turned into hospitals for the defeated forces of Abercrombie. Then, in more peaceful times, the house was burned, and afterward restored to something like its original proportions just before the war of the Revolution.

The second Schuyler house is the one at Schuylerville, which was known as General Schuyler's country place at Saratoga. The original house belonged to an uncle of the General's, who was burned in the house by the French and Indians under Marin. This uncle bequeathed his estate to General Schuyler, who also came into possession of several parts of other estates in that locality. A new house was erected near the site of the one that was burned, and the water-power was used by the construction of saw and grist mills. When Burgoyne swept down from the North



THE HISTORIC STAIRCASE.

General Schuyler had already taken out 6,000 logs, which were directly in the path of the invader, and were lost by fire, together with the mills and the new residence. The fact that the logs were there is claimed by some to prove that Burgoyne was not expected to advance so far to the southward before being stopped. Just after the surrender, General Schuyler built the present edifice, of wood, but it is not occupied to-day by any of his descendants or relatives.

The third "Schuyler house" is the one which has passed into history with that distinctive name. Although it has not the earlier associations

of the other two, yet its memories of the Revolution entitle it to the prominence that it has received, and make it worthy to be sketched by both the pencil and the pen. The Albany of the Revolution was still a stockaded city. To the northward were "the flats," to the southward were "the pastures," where the city herdsman cared for the cattle and drove them home at night. At a distance of half a mile from the stockade, and just beyond the pastures, stood the mansion of General Schuyler. It was



THE NOTABLE CHAMBER.

of honest brick throughout, and not, like most of the city houses, a wooden structure with a veneered front of bricks "brought from Holland." To-day the walls and the oaken window-sills show no reason why they might not last for centuries to come, unless the onward march of business shall demand the destruction of the relic. So long as it lasts the Schuyler mansion stands as a link between the past and the present. At the time it was built, just before the Revolution, there were still standing, and since destroyed: the Wendell house on the south side of State Street, near Pearl,



GERTRUDE SCHUYLER, WIFE OF DR. JOHN COCHRANE.*

[From an original sketch made by Madame de Neuville, wife of the French Ambassador, while seated on the floor at the feet of Mrs. Cochrane.]

modest Prun homestead, close by; the Gansevoort house, in Broadway, where Stanwix Hall now stands; the mansion of David Fonda close at hand; and the house of Teunis Van Vechten, nearly opposite. All of these, and many more, have been destroyed, or have been disguised with modern fronts. Even "the Whitehall" mansion, which the Tories of the Revolution made their headquarters, has lately fallen by fire. The surviv-

with its warehouse door in the center; the Stevenson house, with its broad expanse of front and its spacious hall; the Yates house a little way up the hill; the Killian Van Rensselaer house on the corner of Lodge Street; the Caldwell mansion near the foot of the hill; the residence of Philip Livingston, a signer of the Declaration, on the opposite side of the street; the famous Lydius house, a veteran "gable-ender," on the corner of Pearl Street; the Vanderheyden Palace, in North Pearl Street, with its terraced gables and elaborate weather-vanes; the more

* Only sister of Gen. Philip Schuyler, whose early life was closely identified with the Albany house.

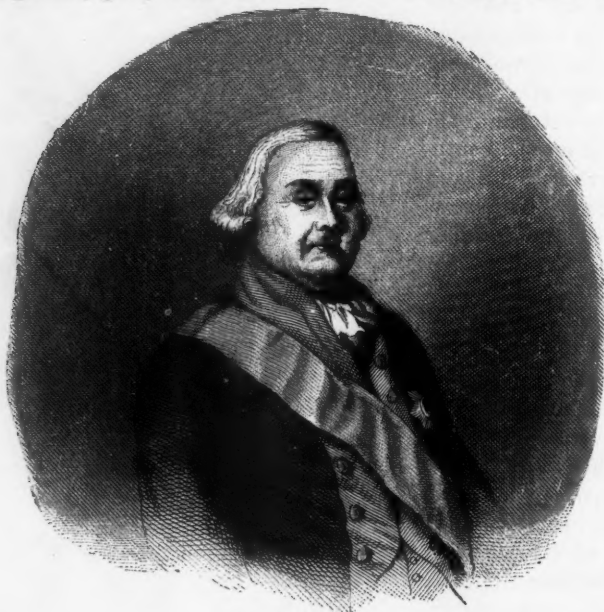
ing residences of the same age as the Schuyler mansion are, the Corning house, on the corner of State and Chapel Streets, which was so long occupied by Philip S. Van Rensselaer, and the manor house of the last of the Patroons in North Broadway. There are a few rickety buildings about town of greater age, but they were never conspicuous, save the Pemberton house in North Pearl Street, which shows the figures "1710," and was noted as the headquarters of the Indians who came to trade. One other building, and the veteran of all, still stands on the southeast corner of State and Pearl Streets. The western half of the building has been removed to widen the roadway in Pearl Street. The remaining portion has the iron letters "*anno,*" the "*Domini*" having been upon the portion removed. When the building had well turned the first century of its existence the owner removed the date of its building, "1667," because it made out the edifice too antiquated to suit him. In the half of the building now remaining lived the father of General Schuyler; there the General himself was born; and here he spent the earlier part of his married life, before he bought the Schuyler mansion of the Bradstreet estate, of which he was the executor.

The mansion was built by General Bradstreet about the time of his success at Fort Frontenac. It was not built by Mrs. Schuyler during the absence of her husband in Europe, as has been so often stated. Nor is it probable that the grounds extended to the river, a quarter of a mile distant, or that there was a subterranean passage thither, for a large portion of the tract thereabout was a common pasturage. The grounds were ample,



however, and the General's garden and orchard were famed. Especial pride was taken in his pears, which bore his name and were the envy of every horticulturist. The story runs that many an applicant for scions was put off with grafts of an inferior quality of fruit.

The busy Albany of the present day has crowded about and even upon the four acres of land that immediately surround the Schuyler mansion. The stranger may go by within a few rods and not discover the old yellow



Pindock

building behind the rows of huge horse-chestnut trees that line the terrace. A fringe of lilacs along the crest of the slope is hidden by a huge fence of boards, the gate of which has been nailed for many years. Entrance must be made at the rear. Once within the inclosure, the building shows a main part about 60 feet square, with the front entrance toward the east. A hexagon, of later date than General Schuyler, forms a vestibule, or outer hall. The contour of the roof is of the "double-hip" pattern, pierced with small dormers and two square chimneys. Balustrades are carried all about the roof and across the dormers. A row of seven large windows, with

panes of glass, unusually generous for those days, pierces the front wall above. Antiquated steps, protected by equally antiquated railings of wrought iron, lead from the terrace up to the vestibule. The main hall is 30 feet long, 20 feet wide, and 12 feet high. Narrow windows on either side of the double doors, give such light as does not come through the hexagon. A paneled wainscoting of wood, painted white, conforms with the carved wooden cornices. The modern decorator has set off the white



BARONESS KIEDESEL.

[From a painting by Tischbein.]

to advantage by an intensely blue paper upon the wall. At the farther end of the main hall, and directly opposite the entrance, a smaller door, with glazed transom and leaden sashes, leads to the rear hall and the historic stairway. There are only two other doors in the main hall. The one on the north leads to what was evidently a sitting-room. The one on the south leads to the drawing-room, in which General Schuyler's second daughter, Elizabeth, married Alexander Hamilton, then the aid and military secretary of General Washington. In this room, also, ex-President Fillmore married Mrs. McIntosh, a subsequent owner of the property.

As the eye runs over the interior adornments of the room, rich in carved

wood and well lighted by four deeply cased windows, it is an easy matter to imagine the scene of Mrs. Hamilton's wedding and to note the guests who were present. It is said to have been the only wedding in his family that was really enjoyed by General Schuyler. His time was so fully occupied with public business and with his own private affairs, that he had



MRS. GRANT OF LAGGAN. AUTHOR OF "AN AMERICAN LADY."

[From a miniature painted by K. Macleay, R. S. A.]

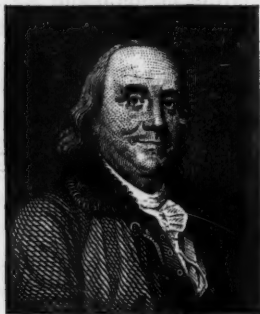
little opportunity to look after his children. We are told that his other four daughters married without his consent, and away from home. The eldest, Angelica, married John B. Church, whom the General did not like because he was a foreigner and a stranger. Church was known as John Barker, but his incognito did not conceal him from an English officer who had known him in London and who told the story of his flight because of a duel.

John Barker then assumed his real name, that of a respected and wealthy family, returned to England, and was afterward a member of Parliament. The third daughter, Margaret, married Stephen Van Rensselaer, the last of the Patroons, before he had reached his majority, and had come into the possession of his estate. The engagement was consented to with the understanding that they should wait, but their haste obliged them to live for a time in a small house in North Pearl Street, until the Patroon could claim the Manor house as his own. The romantic marriage of Cornelia with Washington Morton, and the marriage of Catharine—"My Kitty," as she was called by her father—with Samuel Malcolm, are both said to have been away from home and without the consent of the General, though for what reasons are not stated. At the baptism of Catharine, General and Mrs. Washington were two of the sponsors, but it is doubtful if they were present on that occasion, except by proxy.

In the rear of the drawing-room, and entered from the smaller hall at the west, is the private room of General Schuyler, which is connected with a retiring room. Accurate measurements have shown that a space of about four feet square close to one of the great chimneys cannot be accounted for in any other way than that it forms the access to a concealed way that led underground to the barrack, or fortified house, about fifteen rods distant. The recent caving in of this covered way has revealed its location and direction, but the secret passage in the house cannot be explored without materially damaging the building.

An emergency, which would have called for the use of the secret passage, if there had been time, occurred just before the close of the Revolution. General Schuyler had left the army as soon as the campaigns of the North were at an end, and he was charged with the duty of intercepting all communication between the British Generals Clinton in New York and Haldimand in Canada. The General had been warned of attempts that would be made to capture him, and he had several guards about the place. A band of Tories and Indians organized themselves under Waltermeyer, at the Whitehall farm, and burst in upon the General's premises while the guards were asleep. Their arms had been removed to the cellar by Mrs. Church through a mistake. General Schuyler retreated to an upper room and fired a pistol to alarm the garrison half a mile distant. The family were all gathered in the room with the General, when their babe, Catharine, was missed. Mrs. Schuyler attempted to go after her, but was detained by her husband. The daughter Margaret slipped by and felt her way through the darkness to the cradle, on the first floor. Although the enemy had entered the house, no one saw her till she had reached the stairs on

her return. An Indian then threw a tomahawk, which cut the dress of the girl and buried itself in the railing of the stairway, where the mark is still visible. The girl fled to the upper room, having told the raiders that the General had gone to alarm the town. The raiders continued to plunder until the sound of the General's voice above appeared to be giving orders to some of his followers outside. Then they fled with what they had secured, and with three of the General's guards, and they did not stop short of Canada. None of the stolen plate was ever returned, but some of it was afterward used in Canada with the comment, "This came from General Schuyler's house." Attempts were also made to capture Colonel Van Vechten and other prominent officers, the leaders being the notorious Joe Bettys and Thomas Lovelace, afterward executed.



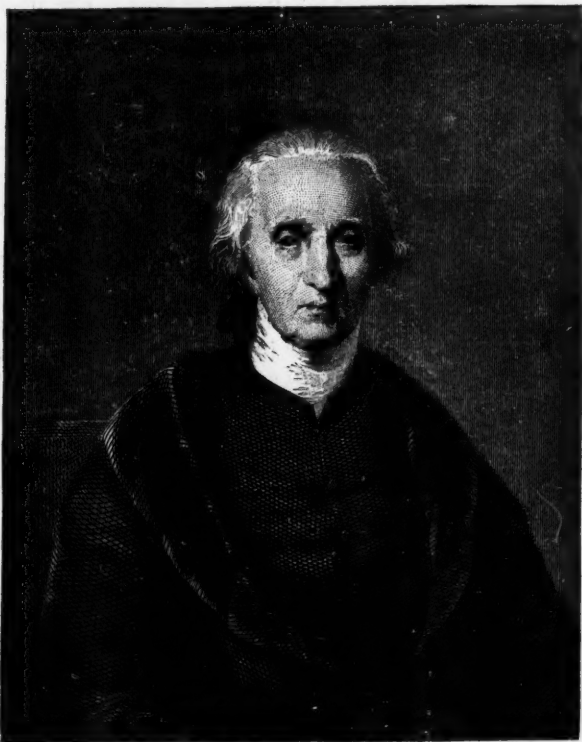
DR. FRANKLIN.

At the foot of the staircase a door leads to an apartment in the north-west corner of the main building. It was the dining-room of General Schuyler, where he entertained Burgoyne so handsomely, after the surrender, as to call forth the remark: "You show me great kindness, though I have done you much injury." The staircase itself is protected by a dark railing and white balustrades, carved in various curiously twisted designs. A short flight of steps leads to a square landing. Three or four steps

more lead to the rear part of the building on the west. A similar short flight leads to a second square landing on the south, whence a longer flight brings one to the floor above. The upper hall is longer than the lower, and the ceilings are not as high. Everywhere we see the white wainscotings and cornices, the heavy doors painted to resemble mahogany, the deeply recessed window-casings that offer inviting seats, and the heavy brass knobs and locks which were so common three generations ago. The heavy pine floors are good for centuries to come, although they have been grooved for electric bells and cut for gas-pipes. The door at the south-west opens into an entry, and thence to a small chamber on the one hand, and on the other to a stairway that leads into the attic, where one can study the architectural science which framed so heavy a structure out of hand-wrought timbers and made it fast with wooden pegs.

On the northern side of the upper hall there are two generous chambers. The one at the southeast corner, directly over the drawing-room, is famed as that in which General Burgoyne and several of

his officers slept when they were prisoners of war. General Schuyler was renowned for his hospitality. During the early part of the Revolution he entertained Benjamin Franklin, Samuel Chase, and Charles Carroll, delegates from Congress with a mission to persuade the Canadians



Ch Carroll of Carrollton

to join the Americans. Carroll gave a Marylander's view of General Schuyler in these words: "He behaved to us with great civility; lives in pretty style; has two daughters (Betsy and Peggy), lively, agreeable, black-eyed girls." The three commissioners were escorted to the summer home in Saratoga and entertained there also. When Lady Harriet Ack-

land and the Baroness Riedesel, with her children, had nowhere to go after the defeat of Burgoyne, General Schuyler sent Colonel Varick to Mrs. Schuyler to announce their arrival as his guests. The ladies did not enter Albany as victors, but they were captivated by the charming hospitality of the Schuyler mansion. The generosity of the host broke over all petty opposition and welcomed General Gates, even when the latter was ready to remove him by all the arts in his power. La Fayette, Baron Steuben, Rochambeau, and a long list of eminent Americans enjoyed the genial disposition of the host and shared his bounty. Thither came Aaron Burr, with a letter of introduction from New York; and he, too, became a guest of the General before undertaking the practice of law in Albany. How strangely did he repay that hospitality! Washington, also, in the closing months of the war, came hither with Governor Clinton and was entertained on his way to view the Northern battle-fields and to examine the remarkable topography of the country.

But, in spite of all these pleasing associations, the downward side of General Schuyler's life began to show itself. His daughter Margaret, the wife of the Patroon, died. Then, after a brief interval, his wife, the daughter of Colonel John Van Rensselaer, of Claverack, and known as "Sweet Kitty, Van Rensselaer," also left him. His powerful but slender frame had already become somewhat bent when a further blow was dealt in the death of Hamilton. It was the third trial in less than three years. Mrs. Hamilton returned to the old family mansion, but her father lingered only a few months.

The mansion and grounds, after a few years, passed out of the hands of the heirs, and they have remained outside of the family ever since. They are now offered for sale "to manufacturers," and it is announced that the grounds "will be divided to suit purchasers." The chances are that the house must soon live in memory only, unless the State, city, or some private individual shall prevent its destruction. But nothing can destroy the reminiscences of all that is patriotic to an American when he reviews the scenes of the Revolution; and no mere razing of a building can efface the sweet and kindly influences that emanated from the old mansion when it was the home of General Philip Schuyler and his beautiful wife.

Frederic G. Mather.

A BUSINESS FIRM IN THE REVOLUTION

BARNABAS DEANE & CO.

Silas Deane was born in Groton, Connecticut, where his grandfather, John Dean, had settled, on a formal invitation from the town, in 1712, to practice his trade as a smith. Silas, the eldest son of John, inherited the homestead and the trade, and earned money to send his son and namesake to Yale College. Silas, the younger, graduated in 1758; taught school for a while; then married Mrs. Mehetable Webb, a prosperous widow of Wethersfield, and established himself in a profitable business there as a merchant and general trader. His father died in 1760. Silas Deane found employment at Wethersfield and in Hartford for his younger brothers, Barnabas and two or three others, who became masters and part-owners of vessels employed in the coasting trade and in voyages to the West Indies and Surinam. By a second marriage, with a daughter of Col. Gurdon Saltonstall, of New London, Silas Deane made further advance in social position and political influence. In the spring of 1773 he was chosen one of the Committee for Correspondence for Connecticut, and soon became widely known as an able, zealous and most efficient promoter of measures for the union of the Colonies and of preparations for resistance to Great Britain. In July, 1774, he was appointed a delegate to the Congress at Philadelphia. His subsequent career belongs to history—though history seems to have cared little for the trust. It has not yet thoroughly wiped out the unfounded suspicions of his integrity and patriotism: it has persistently ignored or barely admitted the "great and important services" which—as his colleague and constant friend, Dr. Franklin, testified—he rendered to his country, as "a faithful, active, and able minister" to France: it has not even been at the pains of ascertaining the date or the place of his death.* More than fifty years after he died in obscurity and poverty—having been to the last refused an opportunity of disproving the

* He died, Wednesday, Sept. 23, 1789, about two o'clock in the afternoon, on board the Boston packet ship on which he had, a few hours previously, embarked for America. See Dr. Edward Bancroft's letter to Dr. Priestley, in Priestley's "Familiar Letters to the Inhabitants of Birmingham," pt. v., p. 54, and the Gentleman's Magazine, for September, 1789 (vol. lviii., p. 866). The biographical dictionaries, encyclopædias, etc., either omit the precise date or fix it as August 23d, "at Deal."

slander which had branded him a defaulter—Congress made grudging atonement for national ingratitude and injustice by paying to his heirs, without interest, the large balance which an examination of his accounts with the Treasury showed to have been due him since 1778.

When Mr. Deane went to the Congress in the summer of 1774, he intrusted the management of his business at Wethersfield and Hartford to his brother Barnabas. The latter had served an apprenticeship to trade, as master and supercargo in several voyages to the southern colonies and the West Indies, in some of which Col. Jeremiah Wadsworth of Hartford had an interest. He had a good reputation for ability and patriotism, and in April, 1775, he was chosen lieutenant of the Wethersfield company of volunteers, commanded by Capt. John Chester, that marched for Boston after receiving the news of the fighting at Concord and Lexington. When the expedition against Ticonderoga, which was planned at Hartford and of which Silas Deane was one of the chief managers, had succeeded in the capture of the fort and of Crown Point, Lieut. Deane was sent as one of the Connecticut commissioners to provide supplies for the garrison. He was, subsequently, often employed in similar services, by appointment of the Governor and council or by contract with the colonial commissaries. In 1779 he was a thriving merchant, in fair way to a fortune.

The firm of Barnabas Deane & Co. was formed in March or April, 1779, a firm which owes its historical interest to its silent partners rather than to its nominal head. Its origin is briefly mentioned in the last chapter of G. W. Greene's *Life of Major-Gen. Nathaniel Greene* (vol. iii., p. 518). The expenses of General Greene's position and the irregularity of his pay, had, as his biographer states, made serious inroads upon his small fortune, during the first years of the war: "As quartermaster-general his position was materially changed. How reluctantly he accepted that office, how generously he offered to conduct the military department of it for a year without any other compensation than his regular pay as major-general and the expenses of his military family, has already been seen. But having accepted it, what was he to do with the profits? There were no stocks to invest them in. The government credit was running low. To keep them by him in continental bills which were depreciating daily, involved a present sacrifice of the interest, and a prospective sacrifice of the principal. Nor had he time to give to private business, with such a weight of public business upon his mind. Under these circumstances he formed with Colonel Wadsworth, commissary-general, the firm under the name of Barnabas Deane & Co., he and Wadsworth supplying the greater part of the capital, and Deane undertaking the active management of the business."

That so little has been known of this firm and its operations, even by the most diligent students of the history of the Revolution, is owing to the extraordinary precautions that were taken to conceal the fact that the quartermaster-general and commissary-general of the United States were the silent partners and capitalists. General Greene insisted—as will be shown presently—on absolute secrecy, stipulating that “no mortal should be acquainted with the names of the persons forming the Company,” and engaging on his own part to give no information on the subject even “to the nearest friend he had in the world.”

Several years ago, a portion of the correspondence between the partners and statements of the business of the firm from time to time, came to my notice. Among the letters of General Greene were half a dozen which have escaped the search of his biographers—and of even his detractors. The time when their publication could harm the memory of their writer is past. Washington's estimate of Greene is accepted as the verdict of history. “Persuaded as I always have been,” he wrote, “of General Greene's integrity and worth, I spurned those reports which tended to calumniate his conduct in the connection with Banks [a contractor for supplies to the army of the South]; being persuaded that, whenever the matter should be investigated, his motives for entering into it would appear pure and unimpeachable.”* And if Mr. Bancroft, in his ninth volume, was too sparing of praise, he made amends in his tenth by the admission that “in the opinion of his country Greene gained for himself as a general in the American army, the place next to Washington.”† *Next* to Washington. As a soldier, perhaps Washington's equal, but not his equal in discretion and scrupulous avoidance of whatsoever might afford his rivals and enemies even the semblance of a foundation for calumny.

General Greene was appointed quartermaster-general, March 2, 1778. Some weeks before he had consented to accept this post, Congress had summoned Col. Jeremiah Wadsworth, of Hartford, to Philadelphia, to invite him to take the office of commissary-general of purchases. He consented, on condition of the repeal of all the restrictions and regulations with which Congress had embarrassed the administration of the commissary's department and had compelled the first commissary-general (Joseph Trumbull) to resign.

* Sparks' *Writings of Washington*, vol. ix., p. 20. In a letter to Mr. Jefferson, in 1786, after Greene's death, Washington wrote: “You will, in common with your countrymen, have regretted so great and so honest a man,” and alludes to him as one of “the pillars of the Revolution.” *Ibid.*, ix., 187.

† *History of the United States* (Centen. Ed.), vi., 409.

Wadsworth was already familiar with the duties of his office. From the beginning of the war he had been one of the commissaries for supplying provisions and military stores for the Connecticut troops, and in December, 1776, he was made commissary-general of the State. He was a prosperous merchant in Hartford, and had been engaged in a considerable trade with the West Indies and the Southern States. The Chevalier de Chastellux describes him (in 1780) as "about thirty-two years of age, very tall and very well made, and of a noble as well as, an agreeable countenance." After remarking that the departments of the quartermaster and commissary-general "had not been exempt from abuses and even blame," Chastellux bears testimony to the high reputation and the universal popularity of Col. Wadsworth, by asserting that "throughout all America there is not a voice against him, and that his name is never pronounced without the homage due to his talents and his probity."

Greene and Wadsworth were brought by their official duties into intimate relations and very soon became warm friends. "Energy, activity, system, and sound judgment," writes Greene's biographer, "were Wadsworth's business characteristics; cheerfulness, sympathy, and sincerity, his recommendations as a friend. His vigorous and intelligent co-operation was of great service to Greene in many trying emergencies." *

In January, 1779, both Greene and Wadsworth were in Philadelphia, and it is probable that about this time the arrangement for a business partnership was made. Jan. 26, Greene wrote to Colonel Bowen, his deputy for Rhode Island: "If Mr. Jacob Greene should have occasion to draw on you for cash to enable him to complete some orders sent him lately, you will please to furnish him. I shall send him a supply of cash soon, when he can repay your office." †

This may have been intended to make provision for the draft on his brother Jacob which is mentioned in the following letter to Wadsworth, written after the formation of the partnership:

CAMP, April 14th, 1779.

DEAR SIR:

Your letter of the 4th I have receiv'd; and that of the 8th also, with the enclos'd papers; which I have sign'd and return'd.

You may remember I wrote you some time since, that I was desirous that this co-partnership between Mr. Dean, you, and myself, should be kept a secret. I must beg leave to impress this matter upon you again; and to request you to enjoin it upon Mr. Dean. The nearest friend I have in the world shall not know it from me, and it is my

* Greene's *Life of Major-Gen. Greene*, vol. ii., p. 50.

† *Ibid.*, p. 167.

wish that no mortal should be acquainted with the persons forming the Company except us three. I would not wish Mr. Dean even to let his brother know it. Not that I apprehend any injury from him; but he may inadvertently let it out into the broad World; and then I am persuaded it would work us a public injury.

While we continue in the offices we hold, I think it is prudent to appear as little in trade as possible. For however just and upright our conduct may be, the world will have suspicions to our disadvantage.

By keeping the affair a secret, I am confident we shall have it more in our power to serve the commercial connection than by publishing it. I have wrote to my brother Jacob Green to pay you £5,000, without informing him for what purpose or on what account. If you would advance the other £5,000 until you come to camp, it would be very agreeable to me. If not I must take some other way of sending it.

General Sullivan arrived in Camp a few days since, but has not said a word to your prejudice that I can learn. I believe he is willing to play children's play with you—if you will let him alone, he will you. He dined with me yesterday; and paid great compliments to the Staff at Providence, without discriminating. He is to have the command of the Indian Expedition. I wish he may succeed better than heretofore—For altho' he has never met with any signal disgrace, he has not been remarkably fortunate in success.

I am glad your *Song* did not come out, upon the whole, as it would have created a perpetual war. However I expected something of the kind, which made me write you that I thought he had given a fair opening.

We expect the Minister of France [M. Gérard] here to-morrow or next day, when there is to be great doings. The cannon is to fire, and the troops to parade, and all the general officers are to ride out to meet him, to welcome him to camp. I am afraid we shall make but a skurvy appearance, as our force is but small, and those very ragged.

Mrs. Greene is gone to Trenton to a Tea frolick given by Betsey Pettit. Mr. Lott, Cornelia, Major Blodget and Burnet are all gone. There is to be a number of ladies from Philadelphia, and some members of Congress.

Col. Cox is very ill. I was to see him about eight or ten days since. He has got a relapse of the same disorder he had in Philadelphia. I am really doubtful of his recovery. It is very unfortunate to me, at this critical season. I must take a ministerial comfort; all things work together for good.

Col. Meade has just returned from Virginia, and says your Letter writing fellow has made rascally work in the department in Virginia. A prodigious quantity of meal is upon the spoil; and every thing in disorder and confusion. He gives great praises to my agents there.

I had a letter from Major Forsyth a few days past. He stands ready to engage with you, if you think proper to give him an appointment. But I am afraid you'll find old agents are like old chronick diseases, difficult to shake off. Major Forsyth I am sure would answer your purpose extremely well, providing you was fairly rid of —. But I am afraid it will be some time before you can get rid of him.

Mr. Flint* dined with me to-day, and is brave and hearty. We wish for another feast of Salmon. When may we expect it? Should they arrive while the Minister is here, they will be doubly welcome. I sent one of the last that came to Mr. Jay, President of Congress. Mrs. Greene sent another to President Read's family.

* Mr. Royal Flint, of Hartford, one of Col. Wadsworth's deputy-commissaries.

I am glad to hear your Assembly are entering into spirited measures in aid of the Commissary's and Quartermaster's Department.* Unless the States will give more aid than they have done to these Departments, for some time past, I think the wheels will stop.†

This State grows more and more litigious. The pettefogging lawyers, like frogs in the spring, begin to peep, in great plenty. Besides this pest of creatures not less pernicious to the peace and welfare of a State than the locusts was to the growth of the herbage in Egypt, there is a great multitude of Justices of the Peace who parade with Constables at their heels, and are as formidable in numbers as a Roman legion.‡ This class of men, to shew their learning and improve their genius, swarm about us like birds of prey, seeking whom they may devour. You may remember I made an armor-bearer of one, upon my first coming to this ground, and I intend to keep them running upon every occasion. If they want business they shall have it.

General Arnold is married.§ He has lately bought a House and farm near the City of Philadelphia. It belonged to McPherson. It is said he can have 10,000 pounds for his bargain. If so, his trade is better than all the Commissary and Quartermaster's profits put together.

Mrs. Biddle|| has got back to Camp again, with a fine son. You have been informed that Doctor Hutcheson¶ is married to Miss Lydia Biddle. She is coming to Camp soon. Mrs. Shippen** is already here, and the Doctor's daughter. I hope you will bring Mrs. Wadsworth, which will form an agreeable set.

* March 6th, Greene had written to Wadsworth: "I wish to hear from the Eastward, what the voice of the People is respecting the business of our two departments—whether they think our Agents conduct their affairs with honor, honesty, and economy—or whether there is high charges of villany and prostitution of public trust."

† "The local policy of all the States," wrote Greene to Gen. Varnum, of Rhode Island, Feb. 9, 1779, "is directly opposed to the great national plan; and if they continue to persevere in it, God knows what the consequence will be. *There is a terrible falling off in public virtue since the commencement of the present contest.* [The italics are mine.] The loss of morals and the want of public spirit leaves us almost like a rope of sand." Greene's *Life of Gen. Greene*, ii., 168.

‡ Washington, writing from Middlebrook, March 3d, 1779, to Governor Livingston, of New Jersey, in reply to a communication "indorsing the depositions of several inhabitants and civil officers, respecting ill-treatment received from sundry officers of the army, and a refusal in some of them to submit to the civil process," said: "I am every now and then embarrassed by disputes between the officers and inhabitants, which generally originate from the latter coming into camp with liquor, selling it to the soldiers, and, as the officers allege, taking clothing, provisions, or accoutrements in pay. There being no civil redress, that I know of, for a grievance of this nature, the officers undertake to punish those suspected of such practices, sometimes with reason, and probably sometimes without foundation," etc. Sparks' *Writings of Washington*, vi., 180, 181.

§ To Miss Margaret Shippen, daughter of Edward Shippen. See Reed's *Life of Joseph Reed*, ii., 53.

|| Wife of Col. Clement Biddle, of Philadelphia, who was commissary-general of forage under Gen. Greene.

¶ Dr. James Hutchinson, a surgeon and physician in the army, afterward a professor in the University of Pennsylvania.

** Wife of Dr. William Shippen, of the medical department of the army.

I believe your patience will be exhausted before you get through this long and disagreeable letter. Please to present my compliments to Mrs. Wadsworth, and I'll bid you good night.

Yours sincerely,

N. GREENE.

As an additional precaution against discovery, it was agreed that the correspondence between the partners should be conducted partly in cipher. April 30th, 1779, Greene wrote to Wadsworth, from the camp at Middlebrook, as follows :

Dear Sir,

I have received your two last letters with the inclosed Alphabet of figures * to correspond with. The plan is very agreeable which is proposed. But in addition to this, will it not be best to take upon us a fictitious name ? This will draw another shade of obscurity over the business and render it impossible to find out the connection. The busy world will be prying into the connection and nature of the business ; and more especially as a letter of Mr. Deane's has lately been intercepted in which it is pretended great things are discovered and dangerous combinations formed. Whether there *has* been any letter intercepted—and, if there has, whether it contains anything of the kind that is represented, I am by no means certain. It is said he is forming one of the greatest Commercial Houses in the world, and has a plan for Land jobbing of equal extent. I know not what it all means, but believe it is the effects of malice and detraction, which I can assure you was never more prevalent.

I have just return'd from Philadelphia, where I have been to settle matters with Congress respecting my department : The fixing the pay of waggoners and staff officers. But my principal business was to lay before the Treasury the impossibility of executing the General's orders without a more punctual and liberal supply of cash. Former promises have been renew'd ; but the truth of the affair is, the plan for striking money is really incompetent to the demand, with the greatest degree of industry ; and there is no great share of that. The great Departments of the Army press the Treasury on every side. The South Carolina expedition has created great drafts upon the Board and embarrasses their affairs. The Lord knows what will be the consequence.

I find that certain Members of Congress are endeavoring to spread among the people that the avarice and extravagance of the Staff are the principal causes of all the depreciation of the money ; and I saw a report of the Treasury Board to the Congress to this amount, altho' not in the same terms.

Inclos'd is a Letter I wrote the Congress upon the subject. There was great professions and assurances of the most perfect confidence of Congress in the ability, fidelity, care, attention, and integrity of the principals of each Department ; but as these were only personal assurances by individual members, and not as a body, I thought it most prudent to write them the enclos'd copy of a letter. I have received no answer to it yet. What it will produce is difficult to conjecture.

There is great disputes in Congress, and there has been warm work between them and the State of Pennsylvania respecting the Courts of Admiralty.

* Barnabas Deane's manuscript copy of this "alphabet of figures," or numerical cipher, is now before me.

I shall be happy to see you here as soon as you can render it convenient. I think it will be necessary both for your interest and reputation. The General enquires after you with great earnestness. Things don't go on well in the preparations for the Indian Expedition upon the Susquehannah.

Mrs. Greene's and my best respects to Mrs. Wadsworth. I am, with sincere regard,

Your most obedient

humble serv't

Col. Wadsworth.

N. GREENE.

The next letter from Greene to Wadsworth, though it makes only a passing allusion to their "money matters," is so characteristic of the writer that I must not omit it here. Greene loved plain speaking too well to tolerate the restraint imposed on friendly correspondence by the "alphabet of figures." Overworked, contending with "difficulties and prejudices innumerable," disheartened by the inactivity of Congress, and sharing Washington's conviction (expressed, three months earlier, in his letter to Benjamin Harrison)* that "our affairs were in a more distressed, ruinous, and deplorable condition than they had been since the commencement of the war," and that "party disputes and personal quarrels were the great business of the day,"—and indignant at the suspicion manifested, in and out of Congress, of the administration of his own and the Commissary departments and at the obstacles that jealousy and intrigue were continually interposing to the successful discharge of his duties—he could not stop to weigh his words or measure his denunciations in his confidential letters to Wadsworth.

Camp, May 14th, 1779.

Dear Sir :

Your favor of the 7th I have receiv'd. Your Express is just setting out, which prevents my writing you more fully upon money matters than the present opportunity will permit me.

I wish you to return to Camp as soon as possible. A late letter which you have wrote to the Treasury Board gives great offence, and it is said has been laid before the Congress ; but of this I am not certain. I wish you to take no notice of the affair until I see you.

The midnight politician which we have often talked about for his duplicity, who used to lodge with you in the same house in Philadelphia, thinks and says we are a set of rascals ; that we are folding our arms and swimming with the tide, secure in our emoluments and regardless of the ruin and fate of our Country. He thinks if we had the least spark of public virtue we should offer our service gratis ; upon the foundation of which they would work a general reformation. He further adds, if the people won't save themselves they may all go to h— and be damn'd.

This is a most extraordinary sentiment, and plainly indicates the light in which they

* Sparks, *Writings of Washington*, vi. 150.

view our services. I can tell you abundance more, but time won't permit. You must be patient, and stand still and see the Salvation of the Lord !

If I could be convinced in the least degree that my services gratis would lay the foundation for such a general reformation as they predict, I should not hesitate a moment to engage upon that footing, but I have no idea of any greater public benefit resulting from it than the saving of my commissions or salary.

The Gentleman maledicts exceedingly the alternative we have put our future services upon, viz. : that of the continuance of the commission, or a salary payable in Sterling money.

My Department is distressed beyond measure for want of money, and new difficulties arise daily in getting money. What I shall do, I know not. It is said the Congress is setting upon another egg of Finance. I wish it may produce some good ; but I am greatly apprehensive that there are such opposite measures and opposite views in Congress that nothing effectual will take place.

I am with esteem & regard

Your sincere friend & humble Serv't

NATH^L GREENE.

Col. Wadsworth.

In December, 1779, Greene tendered to Congress his resignation of the office of Quartermaster-general, and requested that early measures should be taken to fill his place. The only answer he received was by the appointment, in January, of a commission to inquire into the condition of the general staff and introduce such reforms as might be deemed necessary. Gen. Schuyler, Timothy Pickering, and Gen. Mifflin were named on this commission. Schuyler declined to serve. On the 6th of April, "the report of the commissioners on the arrangement of the staff departments of the army" was referred by Congress to a special committee of three—Gen. Schuyler, John Mathews (of South Carolina) and Nathaniel Peabody (of New Hampshire). Greene went from the Camp to Philadelphia, March 23d,* and remained in attendance on Congress and the committee till April 5th. After his return to Morristown, he wrote the following letter to Wadsworth. In it, as will be seen, he makes large use of the "alphabet of figures," and I have supplied, italicized and in brackets, the corresponding words of the key.

* Washington wrote to Schuyler, March 22d : "Our affairs seem to be verging so fast to a stagnation in every branch, even provisions, that I have not only consented, but advised General Greene, as I shall do the Commissary when he arrives, to repair to Philadelphia, and endeavour to know with precision what is to be depended on in their respective departments. The new system adopted by Congress for conducting the business of these departments may have originated from two causes, necessity and choice ; the first, from inability for want of money to proceed any further in the old track ; the second, from a desire to change the old system on account of the commission, it being thought, and I fear with too much reason, exceedingly expensive and disgusting to the people at large."—*Sparks' Writings of Washington*, vi., 489.

Morristown, 11th of April, 1780.

Dear Sir :

I returned to this place last night from 2010 [*Philadelphia*]. The 332 [*Congress*] are as great a set of 1012 [*rascals*] as ever got together. The 166 of 1292 [*Board of the Treasury*] are 1404 [*worse*] than the former. One of them I am sure is nothing less than a 1286 [*traitor*]; he belongs to 332 [*Congress*] and is from N 2013 [*North Carolina*].

You may depend upon it that your information is good, and that it is the intention of 1292 [*the Treasury*] not to let any 232 [*cash*] go through your hands, with a view of saving the 292 [*commission*]. They propose the same thing with regard to me, and I believe will attempt to carry it into execution. You cannot conceive the 781 [*ignorance*] and the 802 [*injustice*] of those two 909s [*orders*] of 931 [*people*].

You may depend upon it that great pains is taking to 240 [*censure*] you and me. The plan is not to attack us personally; this they know will not answer; but to accuse the 1232 [*system*] of each, as producing all the consequential [*sic*] we now feel. The scheme is plausible, and if artfully managed will have its effects. Truth and righteousness is of no account with these 931 [*people*]. Any claim of merit for past services is not only laughed [at] but the person who should be foolish enough to make it would be severely ridiculed.

Be upon the 1367 [*watch*] and be upon your 718 [*guard*], for depend upon it the hand of Joab is in all these things.

I think our affairs are verging to something like 1054 [*revolt*]. It is publicly said at 2010 [*Philadelphia*] that 332 [*Congress*] have no longer the 327 [*confidence*] of 931 [*the people*] and that there is nothing left to save 1192 [*the State*] from being no more a 875 [*Nation*]. Take care what you 1411 [*write*], as every possible advantage will be made of it. How stands our 298-37 [*Company-affair*] with B. D.? Let me know as particularly as you can. Send the information in one letter, and what you say upon it in another.

Yours, you know who,

N 713 [*Greene*].

This letter was filed by Col. Wadsworth, "N. G.—, April 11, 1780."

July 15th, 1780, Congress approved the new system for the Quartermaster's department, and immediately on the receipt of their action Greene sent a renewal of his resignation—now made definite and peremptory. He was not, however, relieved of the duties of his office till Sept. 30th, though Pickering was appointed to succeed him August 5th. On the 14th of September Greene was appointed by Washington to the command of the Army of the South; and this appointment is perhaps justly regarded by his biographer not only as "an open avowal of confidence at a moment of peculiar delicacy," but as "a public declaration that the charges against his administration of the Quartermaster's department were false."*

* A letter of President Joseph Reed to Gen. Greene, written August 19th, 1780, after the peremptory resignation by the latter of his office of Quartermaster-general, supplies all needful comment on the resignation itself, and on the letter of Greene to Wadsworth of April 11th: "You have undoubtedly great reason to complain of the public gratitude; so have the best men in all

Just how long after this Greene retained his interest in the firm of Barnabas Deane & Co., does not appear. He had certainly withdrawn from the partnership before the end of 1781. As his name had never appeared as a partner on the books of the firm, no entry shows when his connection with it terminated. The last reference that I find to it, in his correspondence with Colonel Wadsworth, is in a letter of July 18th, 1781, written from "High Hills, Santee, South Carolina," in which he asks: "How goes on our Commerce? Please to give me an account by the Table [*i.e.* in cipher], as letters are frequently intercepted." In this letter he gives a humorous sketch of his southern campaign: "Our army has been frequently beaten, and, like a stock-fish, grows the better for it. . . . I had a letter some time since from Mr. John Trumbull ['M'Fingal'] wherein he asserts that, with all my talents for war, I am deficient in the great art of making a timely retreat. I hope I have convinced the world to the contrary, for there are few Generals that have run oftener or more lustily than I have done. But I have taken care not to run too far, and, commonly, have run as fast forward as backward, to convince our Enemy that we were like a Crab, that could run *either* way."

His correspondence with Wadsworth was continued, and I have seen a letter written from Philadelphia, Nov. 4th, 1783, in which the latter is reminded of an old "agreement to enter into business at New York after the war was over," and is asked "how his mind may now stand in this business." "I have not"—he writes—"fully determined upon my plan of future life, and only wait to see or hear from you, to fix upon my ultimate determination." But Wadsworth had already entered into other business engagements, and his partnership with Greene was not renewed. His connection with the firm of Barnabas Deane and Company was not, however, dissolved until the death of Mr. Deane in 1794.

The business of this firm was that of general traders. During the war they dealt largely in the staples and manufactures that were most needed

ages; but it is not the *present men*, or at least a majority of them, of whom you have most reason to complain. You perhaps will be surprised when I assure you that in my opinion you never had fewer enemies in Congress than at present. A keen and a just sense of ill-treatment has drawn from you expressions which *would have been properly applied to some members of Congress now gone*, and perhaps to a few that remain;" etc.—*Life and Corresp. of Joseph Reed*, vol. ii., p. 240. (The *italics* are mine.) To this Greene replied, August 29th: "Upon the whole, I considered myself as cruelly and oppressively treated. I did not wish to desert the business at a critical hour, nor did I wish to go into a quarrel with Congress. My letter of resignation may have had more tartness in it than was prudent; but I am far from thinking it merited the severity with which they regarded it, for I am well informed it was seven days in agitation to dismiss me from the service altogether."—*Ibid.*, p. 242.

for the use of the army, or that could be most advantageously exchanged for provisions and forage. They were owners, or part owners, of distilleries of "country rum" and "Geneva;" tried, not very successfully, to establish salt-works; owned grist-mills; were interested in one or two privateers; imported salt from the Bermudas, through the southern colonies, or otherwise; and bought and sold or bartered wool, grain and flour, country produce and domestic manufactures. The business reputation of the firm was high, at home and abroad; the integrity and honor of its partners, without stain; nor is there a vestige of evidence that its founders took undue advantage of their official positions to extend the business or increase the profits of the firm.

J. Hammond Trumbull

FRENCH SPOILIATIONS BEFORE 1801

Our relations with France, at the close of the last century, is a part of our national history now seldom considered.

It is intended to give a brief sketch of what are known as the spoiliations committed by France on the commerce of the United States anterior to the ratification of the convention with that country in 1801. These spoiliations, and the claims growing out of them, are not of a mere private character. They are national and historic.

They form a part of the exciting public events of the time; they are associated with our early national struggles; they recall the dark days of the Revolution; they are connected with the period of the birth of our liberty—with its dawning and wavering fortunes, its victories and its defeats, its despondency,—and, finally, with its triumph and the vindication of the principles of free government.

They are associated, too, with the period of the formative life of our nation, with its infant industries and its struggling but enterprising commerce.

They have relation, too, to the bloody period of the French Revolution, and to the great war of nations that for over twenty years desolated Europe and disturbed the peace and commerce of all civilization. All the principal statesmen and jurists of our early national life come picturesquely before us, also, in their relation to these spoiliations. Washington, Franklin, Adams and Jefferson, Pinckney, Madison and Monroe had their part in their history; and the names of Talleyrand, Bonaparte, and the various members of the French Directory figure prominently on the French side of the historic scene.

During the war for our independence France had given us her alliance in very material shape. Her blood and her money were freely expended for and with us; and she asked no pay or indemnity other than our fulfillment of the treaty obligations we assumed, of guaranteeing to her the possession of her French colonies in this hemisphere, and of opening our ports to her privateers and their prizes, in exclusion of the privateers of her enemies and their prizes.

These concessions by treaty were in expression of our gratitude to France, and in return for her coming to our relief in the darkest period of our struggle, when, as Washington announced in a letter to Congress,

"that unless some great and capital change takes place, the army must be reduced to the one or the other of three things—starve, dissolve, or disperse."

The alliance with France broke like a ray of light through the ominous darkness. The blood of nobleman and commoner of France was alike shed in our cause, and her assistance in arms retrieved our falling fortunes.

She, too, in her turn became fascinated with the dawning principle of liberty, whose rays, soon to be in her own realm lurid and terrible, were penetrating into the dark recesses of feudal dominion, and bringing to light the oppressed, the lowly, the ignorant of mankind, on a new plane of sympathy and human brotherhood.

According to the report of the French Bureau of Finance, the war in which France assisted us in obtaining our independence cost that country about \$280,000,000. The surrender of Cornwallis at Yorktown, to the allied forces under Washington and Rochambeau, was the crowning and critical triumph of the war, and insured the independence for which for seven dreary years the colonies had struggled.

After the independence of the United States was secured, and, during the latter period of the last century, the country was being rapidly nationalized and strengthened.

The new constitutional compact bound the people together in patriotic links.

The scars of the terrible struggle were being healed. Peace smiled over the land, and the war-worn soldier gladly had exchanged his sword for the plow and the pruning-hook. Infant commerce unfurled her sails and boldly sought far distant seas, and industry and activity in every phase displayed the energy, the force, and the ingenuity of an indomitable people.

In order fully to comprehend the relations between the two countries, the causes which led to the spoiliations upon our Merchant Marine by France, and the grounds upon which the claims for indemnity against her were founded, it will be necessary briefly to refer to the treaties made by us with that country.

By the treaty with France of February 6, 1778, made by the thirteen States, by name, France was to assist in effecting the independence of the United States, and both parties were to unite their efforts against Great Britain, the common enemy.

By the 10th Article of the Treaty, the United States guarantees to the French King from that time and "*forever*, against all other powers, the present possessions of the Crown of France in America, as well as those it

may acquire by the future treaty of peace." In return, the King of France guarantees to the United States their "liberty, sovereignty and independence, *absolute and unlimited*," and also their possessions and any additions or conquests obtained through the then war from Great Britain.

It was also provided that in case of a rupture between France and England, the reciprocal guarantee declared as above should have its full force and effect the moment such war should break out.

This treaty of alliance was signed at Paris by Benjⁿ Franklin, Silas Deane, and Arthur Lee.

A Treaty of Commerce between the then United States and France was also concluded, at the above date.

This provided for a firm peace and friendship between the two countries, and neither party was to grant any commercial favors to other nations that should not be enjoyed by the other party.

France stipulated to protect vessels of the United States within her ports or jurisdiction and to restore them if captured therein.

There were also provisions in the Treaty that, in case of war, the French cruisers and prizes were to have the use of our ports to the exclusion of others, and that free ships were to make free goods, even enemies' goods or persons, except goods contraband of war, and, by Article 27, no capture, molestation, or search of an American vessel was to be made under any circumstances whatever.

It was also provided that ships of war and privateers of either party are to do no injury to property of the other party.

Liberty was given to either party to trade with a nation at war with the other.

If either party were to be engaged in war the vessels of the other were to be furnished with sea letters, passports, and certificates of the cargo; and visitations of vessels at sea were to be made, peaceably, in boats, and beyond cannon shot.

These treaties with France were, of course, hailed throughout the United States with the greatest enthusiasm.

By the above treaties it will be seen that the United States, in return for the assistance France was to give in the War of Independence, positively guaranteed to France its possessions in America.

The possessions of France in America at the time of the above treaties consisted of about eleven of the West India Islands, and also Cayenne. The most important of the islands were St. Domingo, Martinique, Guadeloupe and St. Lucia.

In 1792, when war was breaking out between France and England, the United States were embarrassed what to do.

On the one hand, there were the treaties by which we guaranteed to France her possessions in America, the feelings of sympathy for a people struggling for freedom from a long established tyranny, and also the feelings of gratitude toward that people for their timely assistance to us in the days of our doubt and peril.

On the other hand were the terrors and the hardships of a war, whose duration would be great, and for which we were totally unprepared. We had neither army nor navy to protect our commerce or our ports, much less for aggressive action. It was considered, too, that if the strict construction of the treaties were carried out, the United States might be led into extreme complications and obligations never contemplated when the treaties were made. The *status* of France, too, had changed. She had deposed and executed her king; her condition was almost one of anarchy, and the war was considered an offensive one by her against England, which sort of war the Cabinet of President Washington considered was not contemplated by the treaties.

The guarantees, therefore, in the treaties were a source of great embarrassment to the Executive.

The government foresaw that when a war broke out between the new Republic of France and the powers of Europe, the struggle would be prolonged and terrible, and that the exact fulfillment of our treaty guarantees would place us at war with Great Britain, Austria, Prussia, Holland, and the other powers leagued against France, a condition, in our then weak state, that would have been probably fatal to our national existence.

The President, therefore, on April 22d, 1793, made a proclamation of strict neutrality, as between the contending powers.

This action of neutrality was, politically speaking, a virtual violation of our treaties with France, who repeatedly demanded their strict execution.

She expected from us both sympathy and assistance, attacked as she was by nearly all the powers of Europe, and naturally complained of our declaration of neutrality and of our refusal to assist her in retaining her possessions in America. England, at the same time, took umbrage at our concessions to France of a right to use our ports for privateers and their prizes.

Genet, the new French minister, landed in Charleston in April, 1793, with instructions to study the views of our government as to its adhesion to the treaties of 1778; "as the just price of the independence which the

French nation had secured to the United States," and to endeavor to enforce the views of France.

Genet's career, as minister, was turbulent. He issued privateers' commissions and established consular prize tribunals in our ports. He conducted himself in a manner arrogant and insulting; the *modus* of his diplomacy was ill calculated to promote the success of his mission.

In one of his communications he demands "that the Federal Government should observe the public engagements contracted, and give to the world the example of a true neutrality, which does not consist in the cowardly abandonment of friends and at the moment when danger threatens."

Genet put himself at the head of a French party or faction in the United States, and fought the administration with pamphlets, newspapers, clubs, and all kinds of intrigue. He called upon the people at large to assist him and favor the cause of France, and set up in the ports of the United States a regular privateering warfare against the commerce of Great Britain. In the meanwhile the English fleets swept the seas, and, in a little more than a month, took possession of nearly all the French West India possessions.

In 1794 the troublesome Genet was recalled, under the urgent request of our government. He was of the Girondin French faction, and, as Danton, Robespierre, and the Jacobins had come into power, the new French Executive was not disposed to favor him or consider him as a martyr to his patriotic zeal.

He did not choose to risk his neck by returning to France, and avoided the guillotine by settling as a resident of New York; and took refuge from his political cares in the charms of matrimony, contracted with a daughter of Governor Clinton.

We come down now to the celebrated treaty with Great Britain, commonly called the Jay Treaty, which, although negotiated in November, 1794, was not ratified and promulgated until far into the year 1796.

Its negotiation had been kept secret; for great apprehension was entertained by the Executive as to how it would be received by the American people, who, apparently, were generally opposed to it, and the demonstrations against its ratification were loud, and even violent.

This treaty with Great Britain first provides for a firm and inviolable peace between the two countries, and that all British troops are to be withdrawn from within the United States boundaries. There is provision for free and unrestricted commerce and entry into each other's ports; and also that the privateers of either may bring prizes into the ports of the

other country, and it is provided "that no shelter or refuge shall be given in their ports to such vessels as have made a prize upon the subjects or citizens of either of said parties." But these regulations are expressed to be subject to existing treaties with other nations.

This treaty with Great Britain was interpreted and declared by us as a virtual abrogation of our treaty with France as to her right to use our ports as provided in our treaty with her. Against this view, of course, France protested with earnest remonstrance.

The exclusion of French privateers and their prizes from our ports was a serious matter for France, inasmuch as Great Britain had taken possession of nearly all her West India Islands; and she was left with only one or two ports of resort in America for refuge or condemnation of prizes, while our ports, by the treaty with England of 1796, were open to England for that purpose.

On the news of the negotiations for this treaty with Great Britain coming to the United States, great sympathy was expressed for France, especially by the Anti-Federalist or Democratic party, as it began then to be called, under its leaders, Jefferson and Monroe.

Chief-Justice Marshall wrote thus: "The Federalists were overwhelmed with reproaches and charges of attachment to England. The causes of complaint against Great Britain were made the daily topic of excited denunciation, while the flagrant violations of treaty and the open depredation upon our commerce by France were passed over in silence, or treated as the natural results of the conduct of her enemies."

So strong was the sympathy with France at this time, and opposition to the Jay treaty, that mobs threatened violence to its supporters—Mr. Jay was burnt in effigy—the British Minister was insulted—and, in New York, Mr. Hamilton was stoned at a public meeting. Many of the State legislatures protested against it, and the debates in Congress upon it were bitter and denunciatory. And subsequently, when war was threatening with France, the tricolored cockade was sported in the streets in opposition to the black cockade adopted by the Federalists and the troops who were being enrolled for the purpose of defense against French aggressions.

THE DEPREDACTIONS.

Irritated by the unfriendly action of the United States government in the above procedures, France took no pains to conceal her feelings of indignation, which manifested themselves in the attacks on our commerce, which began as early as 1792, and continued down through the year 1800.

These attacks are familiarly known as the "French spoiliations before

1801," or, more specifically speaking, prior to July 31st, 1801, the date of the ratification of the Convention with France hereafter referred to.

The early seizures of our merchantmen by the French were made, it was claimed, on the ground of unavoidable necessity. It will be remembered that in 1792 France was in the throes of a horrible civil contention, which threatened her annihilation. Her crops had failed; her manufactures, trade, and commerce were paralyzed; nearly all Europe rose up against her in horror and wrath; and, with the intention of starving her into submission, her ports were blockaded, and all channels of supply were closed. Neutral vessels were prevented from taking cargo within her territories, and, under the British orders in Council, were seized if they endeavored to do so. At least 478 American vessels were captured in seeking French ports, by the British, during this period. Thus our commerce became a prey to both French and English attack.

In a communication from the French Minister of Foreign Affairs of April 14, 1793, in response to a letter of remonstrance from our then Minister at Paris, he thus feebly explains the attacks on our vessels:

"The enemies of France have openly usurped the right of seizing all the provisions which are destined to it, and even all the Frenchmen found on neutral vessels; and the Republic will so act against them, by way of reprisal. We hope that the Government of the United States will attribute to their true cause the abuses of which you complain, as well as other violations of which our cruisers may render themselves guilty, in the course of the present war. It must perceive how difficult it is to contain, within just limits, the indignation of our marines and in general of all French patriots against a people who speak the same language, and having the same habits, as the free Americans. The difficulty of distinguishing our allies from our enemies has often been the cause of offenses committed on board your vessels."

The depredations committed by France, made while she was in this state of emergency, went on increasing in numbers and violence, as her emergency became greater, and as she became more and more isolated under the pressure of war.

As the French Government, to a certain extent, recognized these depredations as unlawful, and made promise of indemnity, our Government seems to have tolerated them, with but feeble remonstrance.

But, in 1796, after the ratification and promulgation of our treaty with England opening our ports to her, the wrath of France was so increased, that full license seems to have been given to her privateers for unlimited attacks on our commerce.

M. Adet, the French Plenipotentiary in Philadelphia, wrote as follows to our Secretary of State:

"The undersigned, Minister Plenipotentiary of the French Republic, now fulfills to the Secretary of State of the United States, a painful but sacred duty. He claims, in the name of American honor, in the name of the faith of treaties, the execution of that contract which assured to the United States their existence and which France regarded as the pledge of the most sacred Union between two people, the freest upon Earth."

French privateers now attacked our merchantmen everywhere, and almost swept our commerce from the seas. The French Government, even, hired out its vessels of war, as privateers, and the French Commissioners in St. Domingo and other ports still held by France, not only encouraged but instigated these depredations. They declared that the Americans were perfidious, corrupt, and the friends of England, and that, therefore, their vessels should no longer enter French ports, unless carried in by force.

From every French and Spanish colonial port cruisers started out for the direct purpose of seizing American ships; and the administration of many colonies subsisted, and individuals became enriched from the proceeds of these prizes.

These operations resulted in the seizure of more than 1500 American vessels—every one of which was illegally captured; in the teeth of existing treaties, and of all principles of international law.

Often the captured vessels were taken into our own ports, and condemned under the very eyes of the government, by self-constituted French consular tribunals.

The agents of France at St. Domingo reported to the home government "that having found no resource, in finance, and knowing the unfriendly disposition of the Americans, and, to avoid perishing in distress, they had armed for cruising; and that already 87 cruisers were at sea."

These colonial commissioners at St. Domingo also issued orders to take all vessels bound to or from English ports; and condemned them without the formality of trial, or through tribunals composed often of the owners of the capturing privateers. Captures were also made of American vessels going from a neutral to a French port; and the proceedings, if any, before the prize tribunals were wholly *ex parte*, the owners not being allowed to make defense. In fact American vessels, at this time, and their cargoes were seized and appropriated without any shadow of law or justice.

In every mercantile town near our coast, merchants and ship-owners were ruined, and respectable and thriving families reduced to poverty.

Many were made insane under their losses, or were turned into almshouses or otherwise became burdens on the charity of the public.

The crews of vessels taken were turned out in foreign ports to starve—

or marched off, as English prisoners, or as prisoners for debt, to French prisons, and their effects stolen.

The French government made arbitrary and obscure regulations requiring all American vessels on the seas to have ship's rolls in a certain form, and also a sea letter or passport, certified to by a French consul. It was no excuse if the vessel had observed every United States regulation, or that her papers were entirely correct according to them.

The French privateers accordingly treated as an enemy all American vessels not having the above papers, and seized all the cargo, whether belonging to neutrals or not.

They gave no notice or warning of what was required, and vessels were summarily taken and disposed of, whose officers were entirely ignorant of any of the new regulations.

It was said that Merlin, when Minister of Justice, received 4,000 louis from the owners of privateers for a ruling or direction in their favor, concerning the possession by vessels of the roll of the crew.

In a letter from Mr. Pinckney, of March 23d, 1797, to the Secretary of State of the United States, speaking of the seizure and condemnation of three American vessels for some want of compliance with the French regulations, he says:

"A French privateer of St. Malo has captured and sent into Isle de Bas an American brig from New York, bound to London, with a very valuable cargo of sugars. The pretense for capturing her has not yet been communicated to me; but, as the French seem determined to distress our commerce as much as they can, pretenses for condemnation are easily fabricated. I feel poignantly these continual violences offered to our trade and property, and that I am so situated that I cannot afford my countrymen the protection they ought to receive from our Government, nor show them that I even remonstrate against the power which oppresses them. To prevent hearing the firm representations which our American Minister would have found himself obliged to present on account of these rapacious depredations, is one reason, I presume, that the Directory will not permit any one in that capacity to reside in France."

On April 4th, 1797, the Secretary of State wrote to Mr. Pinckney as follows:

"The depredations of the French in the West Indies are continued with increased outrage, and we have advices of captures and condemnations in Europe which apply to no principle heretofore known and acknowledged in the civilized world. You say that a late emigrant, now at Paris, has assured the French Government that the United States are not of greater consequence, nor ought to be treated with more respect, than Geneva or Genoa. But, is it possible that the Directory can credit his opinion? And must we be obliged to think that such an idea of our weakness regulates the conduct of the French towards this country?"

"You know how ill-founded is the emigrant's opinion, and have the means of appreciating the motives that influence the Directory. You do not name the emigrant; we conjecture that *you mean Talleyrand.*"

In March, 1798, Talleyrand, acting for the French Government, made a formal complaint to the American envoys who were first sent over to settle these differences, but who failed to come to any agreement. Among other things, he says:

"That, from the moment the English treaty was made, the United States seemed to feel itself freed from the necessity of keeping any measures with France, notwithstanding the assurances that had been given to its Ministers that the treaty would in no respect change the existing state of neutrality of the United States; yet, in 1796, notice was given to the French cruisers that they could no longer, as had then been practised, be permitted to sell their prizes within the ports of the United States."

In a report of the Secretary of State to Congress, in January, 1799, it was stated that these depredations then amounted to over \$20,000,000 in value, and besides that American citizens had been subjected to insults, stripes, wounds, torture and imprisonment.

Further, to add to these insults and outrages, France, by a decree of the Directory, declared that all American seamen, when making part of the crew of an enemy's ship, even if put on board it by force, should be deemed *pirates*, and treated as such.

In spite of these hostile declarations and subsequent acts of retaliation on the part of our Government, the French Government, although it had laid an embargo on our vessels in their ports, did not consider that there was war between the two countries. The French Government officials declared, "such is the repugnance of the French Government to consider the United States as enemies, that notwithstanding their hostile depredations, it means to wait until it be irresistibly forced to it by real hostilities."

RETALIATION BY THE UNITED STATES.

All these decrees and acts of the French Government, and the outrages committed by its citizens, demonstrated to our Government that decisive steps should be taken.

It was degrading to the country any longer to submit to such indignity. The time for sentimental sympathy with France was passed. By various acts of Congress, passed in 1798, provision was made for active resistance. The public vessels of the United States were directed to seize any armed vessels hovering on our coasts, or any which had committed depredations.

In June, 1798, an act was passed prohibiting our vessels from trading

with France, and also forfeiting French vessels or cargoes if found within the United States. An act was also passed, allowing merchant vessels to defend themselves and oppose searches, to repel assaults, and capture any armed French vessels.

By act of July 7, 1798, the treaties with France were declared annulled, with a preamble asserting that the "just claims of the United States, for the reparation of injuries, had been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations, had been repelled with indignity."

France, on her part, claimed that according to principles of international law we had no right to cancel our obligations under the Treaty of Alliance of 1778, without her consent.

The hostile attitude of the two parties became daily more serious; but war was not declared, nor, in fact, did a state of war actually exist. If it had, no claim could have been made for compensation for the depredations in question.

The fact that a state of war did not exist, is abundantly proved by the statements of the two Governments and their diplomatic agents, both then and subsequently.

The two countries, however, heretofore so amicable, breathed against each other the spirit of fiercest hostility.

The United States were not passive. The celebrated alien and sedition laws were passed by Congress; and Washington, like another Cincinnatus, was taken from the plow, and confirmed as Lieutenant-General and Commander-in-Chief of all armies to be raised in the United States. Hamilton, Pinckney and Knox were appointed Major-Generals; and a large number of Brigadier-Generals were appointed from among the Revolutionary heroes.

Bills were passed appropriating moneys for cannon foundries, for supplying arms and military stores—a naval department was established, and appropriations made for building vessels of war, for harbor defense, and for enlisting troops and raising volunteers; and an act was passed prohibiting the exportation of arms.

All this was done under an active opposition in Congress, and the protests of the anti-Federalists and French sympathizers.

Our infant navy obtained its earliest prestige and some of its choicest laurels at this time in conflicts with the French men of war and privateers in the West India seas.

Bainbridge, Barry, Truxton, Decatur, Jones and Stewart vindicated the honor of their country and substantially put a stop to these French out-

rages. The French frigate "*L'Insurgente*" struck her colors to Truxton, in the *Constellation*, off St. Kitts, and "*La Vengeance*" was crippled and driven a wreck into Curaçoa, by Truxton, also in the *Constellation*. Our well-known frigates the *United States*, the *Boston*, and the *Constitution* also began their career of glory during these difficulties.

The effect of our threatening attitude, and active preparations for war, became apparent in the modified and mollifying tone of the communications from the French Government, through the astute Talleyrand; in which a desire to preserve peace, and to open negotiations for a settlement of all questions in difference, was manifest.

The Directory, now, had ceased to exist. Bonaparte was First Consul. His policy was to conciliate America, in furtherance of his desire to unite all other nations in a league against Great Britain.

THE CONVENTION OF 1801.

Finally, to avoid a war, that seemed imminent, it was agreed to settle all differences and claims, on either side, by a convention.

The negotiations for this convention were conducted at Paris.

On the proposition of the United States envoys, a clause was inserted in the articles of convention known as the article "Second." It provided that, as the plenipotentiaries of the two Governments were not then able to agree respecting the treaties of alliance and commerce of February 6, 1778, nor upon the indemnities mutually due or claimed, the consideration of these subjects should be postponed; and until further considerations an agreement that the said *treaties of 1778 should have no operation*.

The Senate of the United States ratified the terms of the convention *with the exception* of the said second article, which was to be expunged, and with the addition that the convention should be in force for eight years.

The convention was then ratified by the President of the United States on the 18th February, 1801, and by Bonaparte, First Consul, for the French Republic, on the 31st of July of that year. The following important clause, however, was added by Bonaparte, as a part and condition of his ratification.

This clause is important as laying the foundation for the present claim as against the United States Government. It is as follows:

"The Gov^t of the U. S. having added to its ratification that the convention should be in force for the space of 8 years, and *having omitted the 2d article* the Gov^t of the French Repub^c consents to accept, ratify and confirm the above convention with the addition importing that the convention shall be in force for the space of 8 years, and with the *retrench-*

ment of the 2^d article: provided, that by this retrenchment, the two States renounce the respective pretensions which are the object of the said article."

The mutual ratifications of the convention were thereupon exchanged on the basis of the French proviso, on the said 31st July, 1801, at Paris. The United States Senate subsequently ratified the convention as above concluded, and the President promulgated it as a ratified and binding contract on the 19th of December, 1801.

It will be seen, therefore, that the purport and effect of this convention of 1801 was, that the mutual claims by the two governments against each other were to be deemed balanced.

That this was the interpretation and effect of the convention and the suppression of the 2d article, and the *proviso* inserted in behalf of France, is abundantly testified by the leading statesmen of that time and thereafter.

In a letter of instructions from Mr. Madison (then Secretary of State, under President Jefferson) to Mr. Pinckney, our Minister to Spain, of February 6, 1804, the secretary states:

"The claims from which France was released were admitted by France, and the release was for a *valuable consideration* in a correspondent release of the United States from certain claims on them."

In a letter from Timothy Pickering, who was Secretary of State between the years 1795 and 1800, to the late James H. Cansten, he writes:

"Thus the Government of the U. States *bartered* the just claims of our merchants on France to obtain a relinquishment of the French claim for a restoration of the old treaties, especially the burdensome treaty of alliance by which we were bound to guaranty the French Territories in America."

The ex-Emperor Napoleon, among his statements at St. Helena, said:

"The suppression of the 2d article of the convention of 1800 at once put an end to the privileges which France had possessed by the treaty of 1778, and annulled the just claims which America might have made for injuries done in time of peace."

In February, 1807, a report was made to the House of Representatives, in which are these words:

"From a mature consideration of the subject, and from the best judgment your committee have been able to form on the case, they are of opinion that this Government, by the second article of our convention with France, of the 30th Sep., 1800, became bound to indemnify the memorialists for their just claims which they otherwise would rightfully have had on the Government of France, for the spoliations committed on their commerce by the illegal captures by the cruisers of France, and other armed vessels of that power, in violation of the law of nations, and in breach of treaties then existing between the two nations; which claims they were, by the rejection of the said article of the convention, forever barred from referring to the Govt. of France for compensation."

The effect of this convention therefore was that the mutual claims of France and America against each other were compromised and settled in this way, *vis.*: That the claims by France against the United States Government by reason of the violation on the part of the United States of the terms of its treaties with France of 1778, were to be liquidated and balanced by the claims due citizens of the United States upon France.

The gain to this country was great, by this barter or compromise of these mutual claims. The United States gained relief from her onerous obligations to France of a defensive alliance against Great Britain, and the guaranty of her possessions in this hemisphere, and from all claim for indemnification for liabilities incurred by other treaty violations.

It also paid her for the timely aid she gave us in the Revolutionary War—for her blood and treasure expended for us, without which we would probably not have now waving above us the Stars and Stripes that indicate us a nation.

As a matter of right the United States Government could not avail itself of these claims without a return compensation; for it is a provision of Constitutional as well as of moral law, that private property cannot be taken for a public purpose without due compensation. Now, that property, to wit, these claims, was taken 85 years ago, and the compensation has never been made.

THE CLAIMS.

Now a few words as to the claims of our people for these spoiliations.

Our Government has, at various times, put its estimate upon the amount due under these claims. It has estimated them at from fifteen to twenty millions of dollars.

At the first session of the 7th Congress in 1802 memorials were put in from about 270 claimants, residing in towns from Portland in Maine to Norfolk in Virginia. All these were destroyed by fire when the British army burned the Capitol, in 1814.

From the 7th Congress to the 35th about 4,500 more memorials were presented.

There has been no *laches* on the part of the claimants. Those interested in various ways, in vessel and cargo, amounted a few years ago, according to lists filed, to upward of six thousand.

The claims, as is sometimes alleged, are not held by purchasers and speculators, but they are still owned, as heirlooms, by the descendants and legal representatives of the enterprising merchants and mariners who sought to develop our infant commerce and fearlessly plowed the seas.

The names of some few of the claimants are given from the list of memorialists.

We find from Salem the names of Cabot, Chase, Derby, Crowninshield, Goodhue, and Coffin. From Portsmouth and Newburyport, the names of Cutts, Coffin, Coolidge, Chase, Lunt, and Peabody. From Charleston, De Pau, De Sassure, Hamilton, Hargraves, and Morris. From New York we find Hoffman, Seton, Rhineland, Gracie, Hoyt, Roosevelt, Aspinwall, Bowne, Bleecker, Minturn, Classon, Cruger, Howland, Champlin, De Peyster, Goellet, Gibbs, Kemble, Lawrence, Livingston, Laight, Murray, Van Horn, Verplank, Gouverneur, and McEvers. We find Brooks, Gray, Hancock, Goddard, and Thorndike from Boston, and Beverly and other old names from Virginia. From Connecticut we find Griswold, Goodrich, and Fitch. From Philadelphia, Biddle, Coxe, Fisher, McAlister, Stewart, and Girard. From Baltimore, Barney, Hoffman, Oliver, Rogers, and Stewart. And along the coast from every port from Maine to Alabama are found names of familiar and historic sound comprised among these claimants.

A single merchant from Gloucester, Massachusetts, is among the claimants as a loser of 23 vessels and their cargoes.

For the last eighty years the subject has been presented to Congress in many shapes, and over forty-two reports have been made by committees of Congress in favor of the validity and justice of the claims. Some of the committees reported also bills to be acted upon by Congress appropriating \$5,000,000 for the payment of the claims. Inasmuch, however, as the losses amount to between fifteen and twenty millions there is no good reason why \$5,000,000 should be forced upon the claimants.

It looks as if Congress took advantage of its absolute powers to make a forced compromise with creditors who were to be treated like beggars. There is no reason why the receivers of stolen goods should be entitled to keep three-fourths, and hand over the balance to the victim in full condonation.

Reports to Congress have been made in favor of these claims by our most learned jurists and statesmen. Among them are one by Henry Clay, three by Edward Everett, three by Edward Livingston, one by Daniel Webster, three by Caleb Cushing, three by Rufus Choate, four by Truman Smith, and three by Charles Sumner, the last of his reports being made in — 1874. The Legislatures of the thirteen original States have also at various times passed resolutions urging the passage of a bill in favor of the claimants.

Senator Sumner says in his report :

"The appeal of these claimant creditors is enhanced beyond the pecuniary interests involved when we consider the nature of their assumption by the Government, and especially that in this way our country obtained a final release from embarrassing stipulations with France, contracted in the war for national independence, and is the only part remaining unpaid."

Very lately, in May, 1882, Mr. Frye, from the Committee on Claims of the Senate, made an elaborate report in favor of a bill for the payment of these claims, and expressed an opinion that the gravity of the case, and justice both to the claimants and the Government, demanded an immediate and final settlement of the vexed questions involved.

A bill for the relief of these claims passed the Senate in 1883, but was not taken up in the House.

It has been introduced into both Houses of Congress during the present session of 1884.

But this being a political or presidential session, the chance for its passage is not great.

THE QUESTION OF COMPENSATION.

Now, is it to be considered that this great Government intended to make compensation to these claimants and has merely delayed it, or that it intended to shirk its obligations under the treaty of alliance with France, and absolve itself from all reclamation, by a trick played upon its own citizens, creeping out, at the same time, of the national obligation every government owes to its citizens to enforce their lawful rights?

In either aspect the position of this Government is contemptible; for a delay of eighty years in doing justice is tantamount to a denial of it; and the delay to make compensation is a virtual repudiation of the debt, no matter what was the original design.

The United States stands now in the position of the Receiver of Stolen Goods, which goods it has used to pay its national obligations.

Since 1800 we have compelled the payment of the claims of our citizens against many nations, as matters of national duty and national right. Many millions from England, \$5,000,000 from France in 1831, \$2,000,000 from Naples, and large amounts from Mexico, from Denmark, and Spain; and latterly again from England in the "Alabama" claims. And yet, we who persistently make others pay their debts do not feel obliged to pay our own.

The moral logic of all this is not clear; the practical result, however, is national spoliation and repudiation.

There may be possibly a partially philosophic basis for this virtual re-

pudiation. The sense of moral obligation, like the sense of danger, becomes weakened when the obligation or the danger is shared by many.

What is the duty of all appears, at times, the duty of none; and the claims of conscience seem less urgent when the responsibility is divided and the conscientiousness diffused.

Charles Sumner, in closing his report to the Senate made in January, 1870, says:

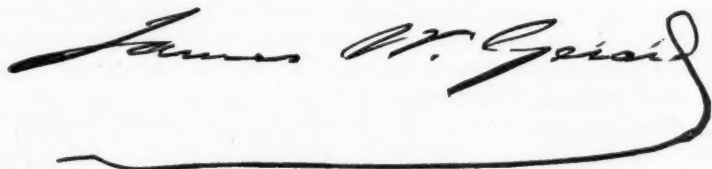
"But how can these claimants forbear to exclaim at the sacrifice that has been required of them, that they alone, the pioneers of our commercial flag, are compelled 'in suing long to bide,' while a part of the debt of national independence is cast upon their shoulders, and the whole country enjoys priceless benefits at their expense! Well may these disappointed suitors, hurt by unfeeling indifference to their extensive losses and worn with infinite delay, cry out in bitterness of heart, 'Give us back our vessels!' But this cannot be done. It only remains that Congress should pay for them."

These claims are not held by speculators. The great Speculator, as Senator Sumner remarks, has been "*Death*"!

Time and Death have been active agents for the Government, which never dies; while owners and heirs have been crazed and beggared, and driven underground.

Time and Death have been active in destroying proofs of loss and in removing the unfortunate owners and their families.

I conclude this slight sketch with the remark that the facts connected with these claims should be spread broadcast throughout the land; and I assert that the honor, the dignity, the reputation of this Great Republic demand that these claims should be paid, and *at once*.

A handwritten signature in dark ink, reading "James W. Geisid". The signature is written in a cursive style with a long, sweeping underline that extends to the right and then curves back under the main body of the signature.

ROUSSEAU IN PHILADELPHIA

"Your Declaration of Independence," said M. Drouyn de Lhuys to me one evening, "is not the work of Jefferson and Franklin, but of Rousseau and his school. All this talk about equality, popular rights, the laws of nature, is not American. It is French." This dictum, thus bluntly uttered, voices an opinion somewhat prevalent not only in France, but in England and America. Mr. James Russell Lowell, in one of his essays,* calls Rousseau "the father . . . in politics of Jefferson and Thomas Paine." Mr. John Morley, in his monograph on the philosopher of the Hermitage, does not hesitate to say that "it was from Rousseau's writings that the Americans took the ideas and phrases of their great charter." Sir Henry Maine, in his masterly work on "Ancient Law" seems inclined to a similar view. "The American lawyers of the time," says he, "and especially those of Virginia, appear to have possessed a stock of knowledge which differed chiefly from that of their English contemporaries in including much which could only have been derived from the legal literature of continental Europe. A very few glances at the writing of Jefferson will show how strongly his mind was affected by the semi-juridic, semi-popular opinions which were fashionable in France."

These views of Lowell, of Morley, and of Maine, we hold, are not borne out by historic facts. An exhaustive study of the political literature of the Colonies in the middle of the eighteenth century discovers that French political philosophy was not strikingly influential, while, on the other hand, English political philosophy marks every other page.

It will be the object of this paper to present some of the facts tending to show that the doctrines of the Declaration of 1776, such as equality, popular rights, no taxation without representation, and the duty of revolution, were of Anglican and not of Gallican origin.

No two sections could well have been more widely different in institutions and laws, more thoroughly hostile in interests and politics, than were France and the British Colonies in the middle of the last century. They could not understand one another, and would not. They were as distant in sympathy as they were in space. The Anglo-Saxons in the North and the

* Lowell: *Among My Books*, I. p. 353. Morley: *Rousseau*. I. Introduction. Maine: *Ancient Law* (Am. Ed.), p. 91.

South looked with distrust or hatred upon the French for their conduct in the then recent Franco-Indian war, and regarded them as the hereditary foes of the mother country; while the Huguenots, the Dutch, the Swedes, the Germans, scattered throughout the colonies, were ever mindful of the past policy of France toward their fathers and toward them.

The educated Americans of the period, the Franklins, Jeffersons, Dickinsons, cold and phlegmatic in temperament, like most sons of the North, simple and practical like most pioneers, were mainly bent on the material pursuits of daily life and little given to philosophic speculation. Born or raised in an Anglican environment which was republican in all but in name, they had the Anglican love of precedent and the Anglican horror of hasty innovation. "Before the Revolution," wrote Jefferson, "we were all good English Whigs."

The cultured citizens of Paris, Marseilles, Bordeaux, versatile and brilliant like most of the Latin race, the subjects of a highly civilized and corrupt monarchy, contrasted the reported liberties of Greece and Rome with the arbitrary system under which they lived, and speculated boldly as to the means of returning to an assumed political state of pristine perfection. The Americans of education read the Bible, Milton, Sidney, the Treatise of Locke, the Tracts of Somers, for their political guidance. The French grew rapturous over Rousseau, Diderot, Raynal, Helvetius, D'Alembert. The American statesmen modified their laws gradually, and only then when there was great necessity. The French philosophers would have rashly overturned the existing order of things and placed society on a new basis.

When the speculative gentlemen who were wont to meet and discuss in the salons of Madame d'Houdetot or Madame d'Epinay framed their ideal constitutions for ideal states, they turned to the laws of Solon and Lycurgus. When the farmers and gentlemen who were assembled in Philadelphia drew up a Declaration, they went back to British precedent, to the Magna Charta, the Petition of Right, the Bill of Rights, and read the counsels of experienced politicians. The man who drafted the great State paper of 1776, and the men who put to it their signatures, never considered their Declaration as anything but a statement of generally known axioms and a justification of past conduct.

The signers were matter-of-fact men, who did their work without flourish or parade. The Declaration conveyed neither to them nor apparently to their constituents doctrines that were either new or startling. Richard Henry Lee said so at the time, and John Adams said so years later. Had the paper been stamped with French ideas we should certainly have heard of it. As it was, the Declaration of Independence was

criticised by some as inopportune and inexpedient ; by no contemporary, however, was it denounced as a strange or dangerous importation.

We shall now proceed to indicate by extracts from certain works then popular in the colonies how clearly the doctrines, often the very phrases of the Declaration can be traced back to Anglican sources.

Literature of a theologico-political kind was much read in America during the eighteenth century, and this literature promulgated such sentiments as these :

"All men," said Samuel Sewell, in 1700, "as they are the sons of Adam are co-heirs, and have equal right unto liberty, and all other comforts of life."

"Nature having set all men upon a level and made them equals," said John Wise in 1717, "no servitude or subjection can be conceived without inequality, and this cannot be made without usurpation in others, or voluntary compliance in those who resign their freedom and give away their degree of natural being."

"The end of all good government," he says again, "is to cultivate humanity and promote the happiness of all, and the good of every man in all his rights, his life, liberty, estate, honor and so forth."

The works of Wise, originally published in 1710 and 1717, were, at the patriots' request, reprinted in 1777, on the eve of the contest for constitutional liberty.

In the collections of the Massachusetts and New York Historical Societies there are scores of sermons and theological tracts which contain doctrines similar to those expounded by these divines. These men were among the heralds of the Declaration, and these heralds caught their inspiration from the Bible. Rousseau had learned his republicanism at Geneva—Sewell and Wise had, in a large measure, also learned it there—but the Americans preached and practiced it in the townships of New England years before Rousseau set pen to paper. The books of the Old and New Testaments were arsenals from which the American advocates of abstract rights drew some of their strongest weapons, and in doing this they but followed the example of the Puritans of the Commonwealth and the Englishmen of the Revolution.

Next in importance and influence to the theological tract in those times was the political pamphlet. Let us turn the pages of some of the most celebrated of these pamphlets and see whether they derived their political doctrines from France or from England. The "Defence of the New England Charters" by Jeremiah Dummer, was one of the most noteworthy literary productions of the American Colonies. The author, born in Boston and educated abroad, was an admirer of Bolingbroke.

There is in that pamphlet absolutely nothing which cannot be proved to rest on British precedent.

"The Rights of British America Asserted," a pamphlet by the impetuous James Otis, of Massachusetts, published in 1766, is more general than the pamphlet by Dummer. It touches the questions of original compact, compact between sovereign and people, and kindred topics, but it refers those "who want a full answer" to these questions to "Mr. Locke's discourse on Government, M. de Vattel's law of nature and nations and their own consciences." He holds that the theory of the British Constitution "comes nearest the idea of perfection of any that has been reduced to practice." He hopes for British ascendancy in European politics. He quotes "the great, the incomparable Harrington." He alludes once, also, to the "celebrated Rousseau," but only incidentally. He quotes him, not to state a principle but to confute Grotius. He alludes to Locke, however, and cites Locke again and again, as one would cite a master. The gist of the American's argument can be found in few words. "The colonists, being men," says Otis, "have a right to be considered as equally entitled to all the rights of nature with the Europeans."

Dummer based his arguments for the charters on precedents; Otis defended America with citations from Locke. Jefferson in his pamphlet, "A Summary View of the Rights of British America," issued in 1774, was not a whit more Gallican than his predecessors. He spoke with pride of his "Saxon ancestors." He pleaded for law, natural justice and equality with a moderation equaled only by Locke. His foot-notes were dotted with British precedents. He was firm and bold even when addressing his sovereign. "Let those flatter who fear. It is not an American art." Thus, two years before the Declaration, in 1774, Jefferson, the pamphleteer, did not give the faintest indication of being the advocate of any doctrines, did not show himself the imitator of any phrase or expression that could not have been culled from Harrington or Sidney, Somers or Locke.

A man, especially a young man, who admires an author, quotes that author or imitates his manner or propagates his doctrine. Jefferson did not quote Rousseau, nor allude to him, nor disseminate his views more than those views were Locke's. He was, in 1776, an Englishman of the opposition, as Anglican, at bottom, as was John Adams. "The first time that you and I differed on any material question," the Massachusetts man wrote, in 1813, to the Virginian, "was after your arrival from Europe; and that point was the French Revolution;" and in his reply to this letter the Virginian acknowledged as much. "I have never read reasoning more absurd, sophistry more gross," continued Adams . . . "than the subtle

labor of Helvetius and Rousseau to demonstrate the natural equality of mankind." "I agree with you," replied Jefferson, "that there is a natural aristocracy among men. The grounds of this are virtue and talents." He did not as much as defend the Rousseau of whom, in the year of the Declaration, he is alleged to have been the disciple.

The "Common Sense" of Thomas Paine, published in 1776, was the most popular pamphlet of the day. Did it contain the phrases and doctrines of Rousseau? Did it contain a single allusion to a school which, influential in Europe, has by some been assumed to have been equally influential in America? Let us see.

Paine was an English Radical who had chosen to settle in the Colonies, and who soon perceived that the traditions of Anglican liberty could there be more widely interpreted than in the mother country.

He saw about him a simple, agricultural community, with few social, and less political, distinctions. This community was slightly dependent on the parent state. Paine boldly pronounced for independence and a broader liberty. He backed his arguments in this cause, not with the opinions of the French philosophic school, but with those of the English. He quoted but one continental writer, Dragonetti, while he quoted several that were household words to his American readers—the Bible, Milton and Hume. The principle of equal representation he seems to have taken from Burgh, and Thomson, the poet of Liberty, who, according to Taine, "thirty years before Rousseau, had expressed all Rousseau's sentiments, almost in the same style," furnished him with the epigraph which he placed on his title-page:

"Man knows no master save creating Heaven,
Or those whom chance and common good ordain."

It is indeed somewhat surprising that the political literature of the Colonies did not glow with the words of Rousseau. He was famous. His "Discourse on Inequality" and his "Social Compact" were adapted to revolutionary times. His style was impassioned and apt to move the masses. He was, in a word, eminently a quotable author. Yet the fact remains, as far as we have been able to see, that none of the prominent advocates of American rights strengthened their argument with any of those striking passages which they might have taken verbally from the gloomy philosopher who was even then causing kings to tremble on their thrones.

There is in the "Common Sense" of Paine, published in 1776, none of the French political philosophy so noticeable in his "Rights of Man" issued in 1791. The Paine of the early days of the American Revolution was, in

fact, as little the Paine of the French Revolution as Jefferson, the author of the Declaration, was the Jefferson who from 1785 to 1789 represented the United States at the Paris Legation. Both these men grew more radical and became more susceptible to foreign influence as they advanced in years. There is no evidence in the works of either of them that in 1776 they were anything but liberal English Whigs who construed English political principles in as broad a manner as possible, who adjusted what Adams called the "revolution principles" to the new conditions under which they lived.

The tracts of Sewell and Wise, and the pamphlets of Dummer, of Otis, of Jefferson and of Paine—productions typical of that time—we have seen, do not bear the impress of French influence, while, on the contrary, they clearly point to English influence by their reproductions of the English Bible or their quotations from British publicists.

An examination of the periodical writings of Franklin, Adams and Dickinson will, perhaps, discover traces of Gallican origin.

Dr. Franklin, though more especially a scientist, early in his career threw himself into the politics of his country. Before the eventful year of 1776 we find him writing witty apologues, issuing almanacs, contributing to popular periodicals. The education of youth interested him. In a list of books which he drew up for academic use we come upon the writings of Addison and of Tillotson, Cato's Letters, the works of Algernon Sidney. Franklin, up to the very outbreak of the Revolution, was a Briton of the Britons.

A perusal of his essay "On Government" and his essay "On Freedom of Speech and the Press," contributed to the *Pennsylvania Gazette* about 1736, amply proves this. He spoke of liberty, of "natural rights," of Sidney, "the sworn foe of tyranny," "a gentleman of noble family, of sublime understanding and exalted courage," "of that invaluable legacy his immortal discourses on government." Franklin was a man of wide reading, and it is natural to suppose that he was later acquainted with the works of Rousseau and his school, but there is no positive evidence that, prior to the Declaration, he had come under their sway. He alluded to Rousseau but once in his works, and then it was on a point of music and not a question of politics. The mind of Franklin was a practical not a speculative one. He would have agreed with Macaulay, "An acre in Middlesex is better than a principality in Utopia."

The writings of John Adams, prior to the charter of 1776, like those of Franklin, bear witness to broad scholarship, wide interest, and admiration for English men and English ways.

In his *Essay on Canon and Feudal Law*, sent forth in 1765, amid many other authors he once referred to Rousseau, the opponent of feudalism,

but his frequent references to Sidney and Locke, when discussing great principles, give some clue to the bent of his mind and indicate that the works of Englishmen, and not those of the Frenchmen, were his political guides. In a series of articles contributed to the *Boston Gazette*, in 1774, and signed Novanglus, Adams, by his arguments and his quotations, showed himself a good Whig of the old school. "Surely Grotius, Pufendorf (sic.), Barbeyrac, Locke, Sidney and Leclerc are writers of sufficient weight to put in the scale against the mercenary scribblers in New York and Boston." Why did John Adams mention neither Raynal nor Rousseau?

John Dickinson was a scholar. He had made a special study of history and political science. Montesquieu and Beccaria, the Scriptures and the Classics, Cato's Letters and Blackstone's Commentaries, Grotius and Machiavelli, Coke, Locke, and Hume were ever at his pen's end. But a careful collation of his various works has convinced me that British and classic authors are of most frequent and most striking occurrence in his notes. The English Bible and English history are his best-thumbed volumes. His sentences often sound as though they were taken entirely from the Scriptures, from Roundhead pamphlets, or from tracts like those of Sewell and Wise. Dickinson was, perhaps, the staunchest advocate of the abstract rights of the Colonists, and yet he went for his radicalism and his doctrines, not to Paris, but to Geneva; not to Rousseau, but the Bible; not to the popular writers of France, but to the classic authors of Greece and Rome. "To talk of your charters, gentlemen," he wrote in 1766, "is but weakening the cause by relying on false aids.

"Kings or parliaments could not give the rights essential to happiness, as you confess those invaded by the Stamp Act to be.

"We claim them from a higher source, from the King of kings and the Lord of all the earth. They are not annexed to us by parchments and seals. They are created in us by the decrees of Providence which establish the laws of our nature."

Such outspoken words, and more, were repeated by Dickinson in his famous *Farmer's Letters*, published in 1767 at Philadelphia, and in a translated form republished at Paris. He quoted French authorities when it suited his purpose, just as he quoted Dutch or English authorities, neither more nor less, as might be expected from a man of general culture. The French author whom he cited most frequently was Montesquieu, a writer who, even according to the historians of his own country, was imbued with Anglican ideas, and held up to admiration the Anglican system of government. It was probably for that very reason that the philosopher of the

Spirit of the Laws was congenial to the Americans of the eighteenth century. Nor did Dickinson neglect the writers of classic antiquity. Like most of the educated gentlemen of England and the Colonies, he was well versed in his Plutarch, his Cicero, and his Tacitus, and he culled from them as bold thoughts as did Montesquieu, Voltaire, Rousseau, or Diderot.

In an essay published in 1774, Dickinson thus placed his arguments on the basis of abstract right, and quoted the lines from the *Antigone* of Sophocles:

"I could never think
A mortal's law of power or strength sufficient
To abrogate the unwritten law divine,
Immutable, eternal, not like these
Of yesterday, but made ere time began."

The writings of Dickinson, then, cannot be said to be inspired by French prophets. They broach old English arguments in a new dress. If the internal evidence of this did not strike the reader as sufficiently strong, let him read the words of Diderot, written when he saw the French translation of the *Farmer's Letters*. They are the words of a man who welcomes an original revelation. If the *Farmer's Letters* had been French in tone, we may be sure a Parisian would have been the first to discover and glory in the fact.

"I was a little surprised to see a translation of these letters appear here. I know of no work more apt to instruct the nations in their inalienable rights, and to inspire them with an ardent love of liberty." After quoting a few stirring sentences from the last "Letter," he continues: "They allow us to read such things, and then they are astonished to find us at the end of ten years such changed men. Do they not feel with what facility generous souls drink in these sentiments and intoxicate themselves with them? Ah, my friend, happily tyrants are more stupid than they are wicked."

We have now glanced over the pages of tracts, pamphlets, and periodical writings dating from 1700 to 1776.

Had the influence of the French philosopher been as great as some would have us believe, quotations from and direct allusions to Rousseau should have been more frequent in the literature of the Colonies; as it is, the author most quoted will be found to have been John Locke.

If we examine the diaries and private correspondence of Franklin, Jefferson, Adams, Lee, Jay, we find just as little reference to the reading of French political writers as in their printed works we have found traces of the influence of these writers. College-bred Americans almost invariably alluded to French scientists, not to French politicians, when mentioning

the French at all in their letters, while the mass of the Colonists knew as little about the then fashionable political axioms of Paris as a backwoodsman of Kentucky to-day knows of the social theories of Saint Simon, or the poetry of Charles Baudelaire.

The works, diaries, and correspondence of the fathers of the American Revolution attest as clearly, by their silence, that Rousseau and his coterie had no influence in America, as, on the other hand, the correspondence, memoirs and works of the fathers of the French Revolution, by their quotations and eulogies, prove the power which Rousseau and his disciples wielded over public opinion in France. The Colonists went for most of their great political lessons to men of their own race, or to men who as disciples had spread these lessons of their fellow-citizens broadcast. There was probably not an American who would not, under the circumstances, have made the bequest and uttered the words which Josiah Quincy, in February, 1774, put into his last will and testament, "I give to my son, when he shall arrive at the age of fifteen years, Algernon Sidney's Works, John Locke's Works, Lord Bacon's Works, Gordon's Tacitus, and Cato's Letters. May the Spirit of Liberty rest upon him!"

These, and not the works of Rousseau, left their imprint on the ante-revolutionary literature of the Colonies; these were cited, alluded to, commented upon and eulogized. In that list none were more popular with the Signers than the treatises of Sidney and Locke.

"God leaves to man," wrote Sidney, "the choice of forms in government, and those who constitute one form may abrogate it." "No man comes to command many, unless by consent or by force." "Liberty produceth virtue, order, and stability; slavery is accompanied with vice, weakness, and misery. All just ministerial power is from the people." "Government is not instituted for the good of the governor, but of the governed." Locke, whose "little book on government," according to Jefferson, "is perfect, as far as it goes," advocated the following doctrines: Men were naturally in a state of perfect freedom. They were in a state also of equality. The cohesion of society is based on a compact between king and people. If the king violates this compact, the people are absolved from their allegiance. The king was chosen, not for his own good, but for the good of the people. Legislation contrary to the people's interests is void, and no change is inadmissible which is in accordance with those interests. The imposition of taxes without the consent of the governed is robbery. Sovereignty emanates from the people, and when bestowed by the people can by them be recalled at will.

After reading such dicta, and remembering how these dicta had been

popularized among the Colonists, we can understand why Jefferson wrote, and why the Signers found nothing strange in, the preamble of the Declaration.

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and institute a new government." It is surely more reasonable to conclude from all this, other things being equal, there being no positive proof to the contrary, that the signers of the Declaration, educated as they had been amid Anglican traditions, and interpreting those traditions in a liberal manner, were influenced by Englishmen rather than by a Frenchman who had adopted the germinal ideas of these Englishmen and embroidered them with his imagination. The Americans had no need to go to the literature of France for phrases and doctrines on popular sovereignty, equality before the law, the right and duty of revolution, when they found these phrases and doctrines just as suitable to their purpose in the literature of England. There is no positive proof that Rousseau influenced the Signers on any of these points. There is proof, positive and circumstantial, that the ideas, often the very words, of Sidney and of Locke, disseminated by preachers, pamphleteers, and publicists, exerted a preponderating influence on the Colonists. The philosopher regnant in Independence Hall was not Rousseau but Locke. The Declaration of Independence is not Gallican; it is Anglican.

Levins Rosenthal

WASHINGTON IN 1861

THE PROPHECY CONCERNING THE BATTLE OF BULL RUN

Those who remember the general occurrences of May, 1861, will remember that the first advance into Virginia from Washington was made on the night of May 24th, and resulted in the Federal occupation of the city of Alexandria. Within a few days thereafter all the Virginia portion of the District of Columbia was firmly occupied by the troops of the Government under the command of Brigadier-General McDowell.

Then commenced, in a portion of the newspaper press in the North, an ignorant, unreasoning cry: "On to Richmond! On to Richmond!! On to Richmond!!!"

Such warlike cries, which have in them the ring of true patriotism and self-sacrifice when uttered by men in the front line of an army in the presence of the enemy, may be, and usually are, when shouted by men a few hundred miles in rear of the danger-line, mere clap-trap and demagoguism at best; and they are apt to cause mischief and disorder, if not disaster, by forcing the hand of responsible authority.

Such was the effect in 1861. These fierce cries came not from the soldiers who had taken their lives in their hands and voluntarily rushed to the front to guard and maintain the Government of their country. They came not from the officers who, with a full sense of the heavy responsibility which had fallen upon them, were striving day and night to organize and make efficient for the service of the country that mass of splendid material for an army which had voluntarily rushed to arms from every branch of society in the North, from every station, from every industry, from every profession, and were then arriving by tens of thousands to do battle for the land. These cries came from none of these. They came from men who, in safe positions and at a safe distance, made themselves active in urging *others* to go forward into danger, to shed their blood, widow their wives and orphan their children, but who placed so high an estimate on *their* own personal value and the importance of *their* own private affairs that they never deemed it *their* part to go vulgarly forth to stay the course of bullets, or make of their precious bodies a bulwark for the Government.

Not content with staying at home, and there reaping honor at the hands of their fellow-citizens for their loud, patriotic cries, they desired also to

direct in detail the course of the Government; and having urged their warm-blooded neighbors to volunteer to fight for them, tried also to force the Government to send these, their neighbors, immediately into battle, whether prepared for it or not.

The "On to Richmond" party had its powerful supporters in the capital of the country, in the Senate, and even in the President's cabinet. While it was well understood there that the President and Mr. Seward were disposed to act coolly and in conformity with the ideas of the responsible military chiefs in reference to military movements, it was also understood that Mr. Chase was a strong advocate for "immediate advance."

Lieutenant-General Scott, the general-in-chief of the army, while desiring prompt and vigorous action as soon as the proper means of procuring success could be organized, was earnestly opposed to a forward movement until such time as the national forces should be so reasonably organized as to make success at the least probable. Notwithstanding my appointment to the colonelcy of a new regiment (the 14th U. S. Infantry) I was still retained by General Scott as his inspector-general for the District and commander of the District of Columbia troops, and was acting directly under his orders.

At about 8 o'clock at evening on one of the last days of May (I think it was the 31st of May) I entered, as usual, the quarters of the aged general-in-chief to make my report for the day and to receive my orders for the night. As I entered, the general was seated at the head of his dinner table (which had been cleared), while the Secretary of the Treasury, Mr. Chase, occupied a seat opposite him, at the foot of the table. Habitually, the general-in-chief, on my entrance in the evening, courteously invited me to be seated; but now he seemed to have been engaged in earnest conversation, and as I advanced he said, quickly:

"Colonel Stone, how many men do you want to march on Richmond *by the way of Manassas?*"

I perceived that the general desired an instant reply; and said, promptly: "Forty thousand, general;" and then quickly added: "with fifteen thousand in reserve."

"Well, sir, suppose I give you that force, how soon could you move?"

"That, general, would depend upon the Quartermaster's and Subsistence Departments. I could move as soon as they could give me rations and transportation."

"Well, sir! suppose you had them. How fast would you advance?"

"Having all prepared, general, the advance guard of my force might be on the Rappahannock in three days, and——"

"Rappahannock! Rappahannock! what is that?"

"The Rappahannock River, general!"

"Oh! there is a *river* there, is there? The Rappahannock River, eh? I wish that everybody knew that! Well, sir! what then?"

"Should the bridge be burned——"

"Eh! there is a bridge over that river, and that bridge might be burned! I wish everybody knew *that*, too. Well, sir! if the bridges are burned?"

"Why, then, general, I would probably lose two or three days in forcing the passage of the fords. Then——" And so I continued to describe the advance.

The general interrupted me with: "Why, Colonel Stone, you are taking forty or fifty days to get to Richmond!"

"General, I think that I would be fortunate to arrive there in that time in the face of an active enemy fully acquainted with the country."

The old general said, as if thinking aloud, "I wish I could see General Totten. I wish I could see the Chief of Engineers."

I immediately left headquarters to find General Totten, the Chief of Engineers of the army. It was a rainy night, and to spare the aged general a damp walk, I took a carriage and drove to his house. Admitted immediately, I found the venerable General Totten and his gracious wife seated before the fireplace, in which a small fire had been kindled to keep away the dampness. Both welcomed me kindly and invited me to a seat between them; but I excused myself, and, apologizing for disturbing them on so damp an evening, said: "General, the general-in-chief desires to see you at his headquarters, and I have brought a carriage in order that you may respond to his desire with as little inconvenience as possible."

In one minute the careful wife of his youth had thrown a cloak over the old general's shoulders, and a few minutes later I ushered him into the presence of the general-in-chief.

There had been arrivals since my recent departure. Mr. Seward, Secretary of State; Mr. Cameron, Secretary of War, and General Thomas, Adjutant-General of the army, were there. All rose as General Totten entered, and a chair was placed for him at the table, between General Scott and Mr. Secretary Chase. Mr. Cameron seated himself between General Scott and General Totten, while Mr. Seward stretched his length upon a lounge near by.

After a few words of compliment had passed, General Scott said:

"General Totten, I regret to have disturbed you on so disagreeable an evening, but I greatly desired your opinion on a military matter which is

under consideration. How many troops would you consider it necessary to have to make a movement hence on Richmond, *by the way of Manassas?* ”

General Totten, as he sat there, with his hands clasped on the table before him and his white head bending over his hands, in serious thought, looked the type of the scientific veteran general. He replied, carefully and deliberately: “General, I do not think it would be wise to undertake such an operation without a force of at least fifty thousand men.”

General Scott—“Supposing such a force placed at your disposal, general, how soon could you make the advance?”

General Totten—“I suppose that the Ordnance Department would probably have supplies sufficient for such a force, and the Engineer Department would be ready quickly; the great question of time would depend upon the procurement of transportation and of subsistence stores, etc., etc.”

Then came a series of questions and answers concerning the details of advance, almost identical with the questions which had been propounded to me, and to my great relief, General Totten’s answers were singularly like those I had already given to similar questions.

The general-in-chief was greatly pleased. He turned to the cabinet ministers present and said: “Really, gentlemen, here is a most extraordinary unanimity of opinion. I address a certain set of questions to a young colonel, the youngest colonel, perhaps, in the army, in whom one might expect to find a youthful enthusiasm and a too sanguine view of matters, and I receive a certain set of answers. I address the same set of questions to the oldest and most distinguished of our scientific general officers, rich in the experience of two wars, and from him I receive almost identically the same set of answers! How can we explain such unanimity of opinion? Gentlemen, the only way I can explain it to myself is, *that it must be of their trade* that they have been speaking, and they speak from its principles!” Then, growing more serious, the aged general-in-chief said, impressively: “Gentlemen, this matter has now, unfortunately, gone beyond politics, and has become a military question. Most unfortunately it is so, most unfortunately! and now, soldiers must settle it. Such being the case, since, unfortunately, soldiers must settle it, you must allow the soldiers to do what they know they ought to do; and you must be careful not to force them to do what they know they ought not to do.

“There have now arrived and are in service seventy-five thousand three-months men. There are rapidly coming in three hundred thousand two-years and three-years men. What the soldiers know ought to be done is

this: The three-months men should be used to guard the District of Columbia—the whole District of Columbia. The two-years and the three-years men as they arrive and as they shall arrive, should be placed in large camps of instruction at strategic points along the frontier; say 16,000 men at Fort Washington on the Potomac; an equal force at Annapolis, Maryland; another here in the Capital. Another say at Frederick, Maryland; another at Cumberland, Maryland; perhaps another at Pittsburgh, Pennsylvania; certainly one at Wheeling, Virginia, and one at Marietta, Ohio; also at Cincinnati, Ohio; Louisville, Kentucky; Cairo, Illinois, and other points on the frontier. There they should *drill* and *drill* and *drill* and discipline, guarding always the frontier. Meantime, our gallant little navy should do all that it can to keep up a blockade of the entire Southern coast.

"By the last days of September, or the first days of October, we can have the gunboats ready on the Ohio River. By the way, Mr. Secretary," said he, turning quickly to Mr. Cameron, "have you ordered for me that naval constructor I asked you for, to go under my orders to the West?"

"No, general, not yet," said Mr. Cameron; "but, general, I can furnish you with as many steamboats as you want on the Ohio River, within seven days by contract."

General Scott said, a little impatiently, "Mr. Secretary, I do not want there even *one* old rotten contract steamboat. I want *gunboats*, built to draw just as many feet of water as I say, to carry just as many guns as I say, and of just such caliber as I say. Sir, there is plenty of material for such gunboats on those Western waters; there is plenty of mechanical skill there, and, sir, there is *plenty of time!*"

Mr. Cameron hastened to say to the chief: "General, you shall have everything you want."

General Scott—"Thanks! Mr. Secretary. Everything I want is all that I want! Thanks! Well, then, I want the best practical naval constructor in the United States sent immediately to Louisville, Kentucky, to design and see constructed *gunboats*. These boats can easily be finished before the first frost. Our Southern friends, seeing the Government apparently content with guarding the frontier, may not believe they are to be attacked, and *may* relax in their preparations. In any case, *our* preparations being made, on sound principles, I would have, by the first day of October next, assembled at the junction of the Ohio and Mississippi rivers, *an army of 150,000 men!* not 150,000 armed men! and I would have *here* another *army of 150,000 men*. I would send that Western army, *accompanied by the gunboats*, down to the Gulf of Mexico! At the same time I would send *this* army of 150,000 men *hence to Richmond by the right road!*

"If you act thus, if you allow the soldiers to do what they know they ought to do, I will answer for it that the Government of the United States shall have its flag and its authority recognized throughout the land, over every inch of its territory, by the 4th day of next March, or at the latest by the 4th day of July following. If you do not thus act; if you make the soldiers do what they know they ought not to do; if you push these three-months men into battle just as they are all thinking of going home; if you push the two and three years men into battle just before they shall be organized, you will be beaten in the first general action of this war! You will consolidate what is now an insurrection, and make of it a rebellious government—which rebellious government you may be able to put down in two or three years; but I doubt it!"

Such were the words of America's greatest soldier in May, 1861. We all know the result. For the moment, he succeeded in delaying rash movement. But later on, the aged chieftain, worn out by the pressure brought to bear upon him, yielded to those in authority and those who assumed to direct the authorities, and he, in an evil hour, consented to see sound military principles set aside and replaced by ignorant assumption. The three-months men *were* pushed into battle "just as they were thinking of going home"; the two and three years men *were* pushed into battle, some of them, before they were fairly organized. We *were* beaten in the first general action of the war. The insurrection *did* become a strongly organized rebellious government, which the Government of the United States *did not* succeed in putting down in *two* or *three* years.

Might it not have been otherwise had the soldiers been allowed "to do what they knew they ought to do"?



FLUSHING, Long Island, *May*, 1884.

CHIEF-JUSTICE JOHN MARSHALL

[Extracts contributed to the Magazine, by the author, from the forthcoming "Life of John Marshall—Captain in the army of the Revolution, Member of the Virginia Legislature, Envoy to France, Member of Congress, Secretary of State, and Third CHIEF JUSTICE of the United States." Compiled from various authors and from private letters, by his great-granddaughter, Sallie Ewing Marshall.]

In 1557, at the siege of Calais there was a captain named John Marshall, who fought bravely under the banner of England. He was descended from the great Earl of Pembroke, the good and sagacious governor of the young king, Henry III. In 1642, this officer's grandson, also named John Marshall, fought at the battle of Edge Hill, and after the death of Charles I. came to Virginia, where his great-grandson, Thomas Marshall, the father of the chief-justice, was born. Col. Thomas Marshall was a brave and talented man, who served in both the French and Revolutionary wars with distinction. He married Mary Isham Keith, a lady of great force of character and strong religious faith, the daughter of Rev. James Keith, of the Episcopal Church—a grandson of William Keith, Earl Marshal of Scotland—and their children numbered fifteen, of whom John was the eldest, born in 1755. With illustrious lineage, as we have seen, the best of home training, a gentle, loving, studious boy—who is said never to have had any petty squabbles with his numerous brothers and sisters—the future jurist made good use of exceptional opportunities in preparing for his eventful career. Two years after his birth his parents removed thirty miles further west, settling in the beautiful region of the Blue Ridge mountains. To this climate and the vigorous exercise taken in his youthful years he attributed the good health he enjoyed through life.

His father directed his early studies, and he afterward received one year's instruction from a clergyman named Campbell, and was one year the pupil of a Mr. Thompson. At the age of twelve he had transcribed the whole of Pope's Essay on Man with some of his moral essays. "My father was a far abler man than any of his sons," he remarked in later years, "and to him I owe the solid foundation of my own success. He superintended the English part of my education, and to his care I am indebted for anything valuable I may have acquired in my youth. He was both a watchful parent and an affectionate, instructive friend." John Marshall continued through life a zealous student, and seems to have thought with

Aristotle, "to become eminent in any profession, study, and practice are necessary as nature." While his mind was being developed his physical education was not overlooked. Like most young men of his day, he served a term at surveying. Before he was twenty the struggle began between England and her colonies, and he was chosen lieutenant of a militia company, of which his father was captain, and in whose absence he diligently drilled the men. He was six feet tall, slender, with dark complexion, black hair and eyes. He walked ten miles, from his father's house to the muster-field, and the same distance in returning home after the drill. He wore "a round black hat, mounted with a buck's tail for a cockade, a purple hunting-shirt, and trousers of the same material fringed with white." He was ever simplicity itself. Through all the changes of his life he remained the same, and as Mr. Van Santvoord aptly says, "The chief-justice of the United States never ceased to be John Marshall." He was on the expedition to Norfolk, at the battle of the Great Bridge, to oppose Lord Dunmore, and there made his first appearance upon the scene of war. In 1776 he received an appointment as first lieutenant in the 11th Regiment of Continental troops, a great honor for so young a man. General Washington had written to Governor Henry, "I would, in the most urgent manner, recommend the utmost care and circumspection in your appointments. The true criterion to judge by when past services do not enter into competition, is to consider whether the candidate for office has a just pretension to the character of a gentleman, a proper sense of honor, and some reputation to lose." Young Marshall displayed great gallantry as a soldier. He was one of the noble band that followed Washington across the Delaware, December 25, 1776, and surprised Col. Rahl at Trenton. He was promoted to the rank of captain, and remained until the close of the year 1779 in active service; was at Brandywine and Germantown, in the terrible six weeks' struggle around Philadelphia. Here he first met Alexander Hamilton, and his admiration soon grew into love. It was one of the strongest evidences of the extreme justice of his character that he could so fairly and honestly sit in judgment upon Aaron Burr, the murderer of this dearly loved friend, as to cause his detractors to say he showed partiality to Burr. A contemporary thus describes John Marshall at Valley Forge: "By his appearance then we supposed him about twenty-two or twenty-three years of age. Even so early in life we recollect that he appeared to us *primus inter pares*, for amidst the many commissioned officers he was distinguished for superior intelligence. He was often chosen arbiter in differences between the officers." He frequently acted as deputy judge advocate. He was greatly beloved and respected by both

officers and men. His conduct was always conciliatory and judicious, and naturally through life it brought him the unenvying love of men. Friendships formed during that terrible winter were among the most valued and lasting of his life. During 1779 he remained at the head of his company in the army under the immediate command of General Washington, and took part in the most brilliant actions of that year, the capture of Paulus Hook and of Stony Point. When the army went into winter quarters in 1779, there being too many officers in the Virginia line, he returned to Virginia and commenced a course of study in William and Mary's College, attending the law lectures of Professor, afterward Chancellor Wythe, and the lectures on Natural Philosophy of President, afterward Bishop Madison. In the summer of 1780 he received a license to practice law, and soon after returned to the army and continued actively engaged until after Arnold's invasion of Virginia, serving under Baron Steuben. This anecdote is told of Baron Steuben: While on duty before Yorktown, perceiving himself in danger from a shell thrown from the enemy, he threw himself suddenly into the trench. General Wayne, in the jeopardy and hurry of the moment, fell on him. The baron, turning up his eyes, saw it was his brigadier. "Ah! I always knew you were brave, General," said he, "but I did not know you were so perfect in every point of duty. You cover your general's retreat in the best manner possible."

John Marshall now resigned his commission and returned to the prosecution of his professional studies. After the surrender at Yorktown, he commenced the practice of law, in which he soon attained honorable distinction. He rapidly developed those powers of reasoning which subsequently made him so just a judge. He is described at this time as "Tall, gaunt, awkward, and ill-dressed; he made a striking figure among the fine gentlemen of the Virginia towns; but his talents were conspicuous, and he rose rapidly in his profession by his remarkable power of seizing the attention, extracting at once the kernel of a question, and producing conviction in the minds of his hearers. When he first appeared in Richmond to argue a case, he sauntered about the streets in a plain linen round-about, looking like a slouchy country bumpkin; but once in court, he astonished the judge and the bar by his wonderful powers of analysis." He soon became widely esteemed for his ability and integrity, and endeared to the bar by his amiable qualities. In 1782 he was a member of the Legislature of Virginia. His skill and ardor made him a valuable member of that body. In the same year he occupied a seat in the State Executive Council.

On the 3d of January, 1783, he married Miss Mary Willis Ambler, to

whom he had become attached before leaving the army. A Welsh parson once said: "A bride should have nine qualifications beginning with the letter p—viz., piety, person and parts; patience, prudence and providence; privilege, parentage and portion; but that which should be first of all in consideration, which is piety, is now always thought of last of all, and by many not at all, and that which should be least of all and last of all in consideration, which is portion, is now become first and most of all, and by some, all in all." Miss Ambler possessed these nine qualifications, and in the right order, for she was very pious. John Marshall's marriage was one of the three events of his life which he deemed worthy of commemoration in the simple inscription, which, two days before his death, he wrote to be placed upon his tomb-stone. His birth, marriage, and death. He lived with his wife nearly fifty years, and was a most devoted husband. "Her death," says Judge Story, "cast a gloom over his thoughts, from which he never recovered." Mrs. Marshall's father, Colonel Jacquelin Ambler, was a direct descendant of the celebrated Jacquelins of France, and a man greatly beloved and respected. He was Treasurer of Virginia. Her mother was Miss Rebecca Burwell, daughter of a gentleman of Gloucester County, Virginia, and one of the greatest beauties of her day. She discarded Thomas Jefferson to marry Colonel Ambler. Miss Randolph gives this account of Jefferson's courtship of Miss Burwell: "He is a boy, and is indisputably in love in this good year 1763, and he courts and sighs, and tries to capture his pretty little sweetheart, as pious, it is said, as she was beautiful, but like his friend, George Washington, fails, the young lady will not be captured." He wrote to his friend, John Page, "I would fain ask Miss Becca Burwell to give me another watch-paper of her own cutting, which I should esteem much more, though it were a plain one, than the nicest in the world cut by other hands." It is a somewhat notable fact that Miss Mary Cary, who discarded George Washington, married Edward Ambler, brother of the gentleman preferred to Thomas Jefferson. The great men of that day were unfortunate, and seem to have been taught by sad experience that "kissing goes by favor." The story goes that Washington, a short time before his marriage to Mrs. Curtis, wrote to Miss Cary, telling her it was not even then too late for her to change her mind, that if she would consent to marry him he would break off his engagement with Mrs. Curtis.

Mr. Marshall was fortunate in his wife, who was not only a companion, but both friend and counselor, contributing not a little to his successes. She was amiable and accomplished, and had, like her husband, enjoyed the advantage of an education under the inspection of a talented father. Hers,

too, was an illustrious lineage. Love, pure and profound, alone prompted the union. Like her husband she had been bred in the creed and rites of the Episcopal Church, so they were one in faith as in everything else. Their youngest son wrote of them and their marriage: "In the year 1783, after leaving the Revolutionary army, father courted Miss Mary Ambler, a beautiful girl of Yorktown, Virginia, who was very young, being only fifteen years of age. His courtship upon the first trial was unsuccessful, Miss Ambler being so young and bashful that she said 'No,' when she meant to say 'Yes.' The mistake was, however, corrected some short time after, by a cousin, a Mr. Ambler, sending to her disappointed lover a lock of hair cut without her knowledge, upon which the lover renewed his suit, and they were soon married. My mother died in 1831. My father surviving her some three or four years, and feeling her loss severely, proposed to move from Richmond to Fauquier, where his children and brother resided; with that purpose was building an addition to his son James' house, Leeds Manor, expecting his new residence to be ready for him that summer, from which he was cut off by his death, July 6, 1835. It was an interesting exhibition of father's devotion to the memory of my mother, who was buried near Richmond, that he habitually walked to her grave every Sunday afternoon, a distance of one and a half miles. Upon one Sunday afternoon, suffering with the malady which led to his decease, he was taking his accustomed walk, when he fell from exhaustion on the 'commons' outside the city and was unable to proceed. He was fortunately seen by two negro men [everybody knew him] and was carried in their arms to his home in Richmond, whence he went to Philadelphia and placed himself under the care of the celebrated doctors Physick and Chapman; without avail, however, as in a few weeks his body was brought to Richmond and interred by the side of his dear wife."

He was a member of the convention in 1788 assembled for the ratification of the Federal Constitution, and was a warm advocate of the Constitution, but the majority of the voters in his county were opposed to it. When he was a candidate for election to the Virginia convention he was assured that all opposition would be withdrawn, if would pledge himself to vote against its adoption; otherwise he would be strenuously opposed. He refused to pledge himself, and it was found that no opposition could withstand his personal popularity. In the debates of the convention he took active part. His speeches on the power of Taxation, the power of the Judiciary and that on the power of the militia, are thoroughly characteristic of the great mind which never failed in clearness of perception. He was a member of the Legislature until 1792, and was confessedly one of

the leaders of that body, and always on the side of a liberal construction of the Constitution. His law practice increased so rapidly that finally he found it necessary to devote himself exclusively to his profession, turning his back upon political life. In his extreme modesty he attributed his rapid advancement to the extensive acquaintances he had made during the war among men from all States. He became engaged in many of the leading cases in the State and national tribunals. "However high might be the reputation of a counsel engaged in a cause of great difficulty, he considered it no disparagement to call to his aid the ponderous strength, and avail himself of the close logic of Marshall, and this at a period when to occupy a front rank amid such an array as the bar of Virginia then presented, was no empty honor, but above them all towered Marshall—a Colossus in intellectual strength." In 1795 Gen. Washington offered him the office of Attorney-General of the United States, which he declined. General Washington consulted him frequently on many subjects. In 1796 he asked him to accept the place of Minister to France, on the recall of Mr. Monroe. This he also refused. "I then thought," said he, "my determination to remain at the bar unalterable—the situation appeared to me more independent and not less honorable than any other: my preference for it was decided." In 1797 he was appointed by President Adams as Envoy Extraordinary to France to endeavor, with the aid of Gen. Pinckney and Mr. Gerry, to settle our disputes with that country. He kept a journal of all that transpired and copies of letters, from which it is easy to see why the mission was fruitless. His handwriting is plain, easy to read, very indicative of the character of the man, as is the simple signature, J. Marshall, to all the papers, placed between Pinckney's and Gerry's. In vain "the Prince of Diplomats" brought his artful powers to bear upon these men. Talleyrand failed—balked by the honesty and the wisdom of Marshall. To such a man the character of Talleyrand must have been peculiarly repugnant, as the tide of affairs progressed and the part he was playing became more and more plain. On the 17th of June, 1798, Marshall returned to New York, "where he was received with the highest marks of respect." His entrance into Philadelphia, two days later, had all the éclat of a triumph. Escorted by the military from Frankfort to the city, he found himself, on his arrival, surrounded by crowds of citizens anxious to testify their respect and gratitude. Public addresses were made to him, a dinner was given to him by both houses of Congress, and the country at large responded with one voice to the sentiment pronounced at this celebration, "Millions for defense—but not a cent for tribute." The whole country sounded his praises, and even his greatest enemy, Thomas

Jefferson, had to openly add his testimony to the faithfulness with which Marshall had executed his mission, although at the same time secretly striving to ruin him. The following note was written by Mr. Jefferson, and in after years Marshall frequently laughed over it, saying, "Mr. Jefferson came very near writing me the truth, the added *un*, to lucky, policy alone demanded." Jefferson's note was as follows:—

"Thos. Jefferson presents his compliments to Genl. Marshal. He had the honor of calling at his lodgings twice this morning, but was so unlucky as to find that he was out on both occasions. He wished to have expressed in person his regret that a pre-engagement for to-day which could not be dispensed with, would prevent him the satisfaction of dining in company with Genl. Marshall, and therefore begs leave to place here the expressions of that respect which in company with his fellow citizens he bears him.

"Genl. Marshall at Oeller's Hotel. June 23rd, 1798."

In the year 1799, yielding to the wishes of Washington, Mr. Marshall became a candidate, and after a spirited political contest was elected a member of the Sixth Congress. In 1799 President Adams tendered him a seat on the Supreme Bench, which he declined. He was one of the committee to revise and amend the Judiciary system. He took a prominent part in all of the debates, and his arguments were so irresistible that they were often declared unanswerable. In 1800, Mr. Adams first offered him the position of Secretary of War, but before he had accepted, Mr. Adams removed Timothy Pickering from the head of his cabinet and appointed Mr. Marshall Secretary of State. On the 31st of January, 1801, Mr. Marshall was commissioned Chief Justice of the United States, having been appointed by Mr. Adams some time before. There was a perpetual clashing of opinion between the Executive and the Supreme Court during the following Administration. Jefferson and Marshall were repellant to each other.

Judge Bushrod Washington, immediately after the death of his uncle, George Washington, selected Chief Justice Marshall to write his biography. As a slight token of gratitude and appreciation for this work, Judge Washington gave him several books which had been the property of the President, among them an army register, containing the "Weekly State of the Continental troops," and a captured "English Order Book."

Chief Justice Marshall occupied the highest seat in the Supreme Court of the United States thirty-five years. His decisions are recorded and will ever be the noblest monument a man could have or wish. In reference to two of them, Judge Story says, "If all the acts of his judicial life or arguments had perished, his luminous judgments on these occasions would give an enviable immortality to his name." Judge Story said of the mode

of life of the judges at these general terms of the Court: "Our intercourse is perfectly familiar and unconstrained, and our social hours when undisturbed with the labors of law, are passed in gay and frank conversation, which at once enlivens and instructs. We take no part in Washington society. We dine once a year with the President and that is all. On other days we dine together, and discuss at table the questions which are argued before us. We are great ascetics, and even deny ourselves wine except in wet weather. What I say about the wine gives you our rule; but it does sometimes happen that the Chief Justice will say to me, when the cloth is removed, 'Brother Story, step to the window and see if it does not look like rain.' And if I tell him that the sun is shining brightly, Judge Marshall will sometimes reply, 'All the better, for our jurisdiction extends over so large a territory that the doctrine of chances makes it certain that it must be raining somewhere.'" The Chief was brought up upon Federalism and Madeira, and he is not the man to outgrow his early prejudices." A granddaughter writes this of him: "From my father I learned veneration for him as a simple-hearted, good man; true, just and honorable. He knew from others I would hear my grandfather was a great man. Of this my father never spoke. My mother has often told me that numbers of the anecdotes told of him were without foundation, especially those indicating his slovenliness. He was extremely neat, but careless as to the style of his dress and always looked old-fashioned, I suppose."

One of the highest compliments to his profound learning was bestowed by John Randolph when commenting upon an opinion delivered by the Judge. He said, "It is all wrong, but there is no man in the United States who can show wherein it is wrong." His judicial duties called him annually to Raleigh, North Carolina, and on such occasions he would always stop with a certain landlord whose house was noted for its want of comfort and grew worse year by year. On one of his visits I learned from a gentleman that he saw the Chief Justice very early in the morning gathering an armful of wood at the wood-pile, which he carried into the house. Upon meeting him in the Capitol the same day, and telling him of having seen him in the morning, he answered: "Yes, I suppose it is not convenient for Mr. Cook to keep a servant, so I make up my own fires." In 1807 he presided at the famous trial of Aaron Burr. "Why did you not tell Chief Justice Marshall that the people of America demanded a conviction?" was the question put to Wirt after the trial. "Tell *him* that!" was the reply, "I would have as soon have gone to Herschel and told him that the people of America insisted that the moon had horns, as a reason why he should draw her with them." On one occasion, as he was riding down

Main Street in Richmond, and, as was his custom when on horseback, held in his hand a long, keen switch, a gentleman standing on the corner said to a friend, "What a long switch the Chief Justice carries." "Is it possible that is Judge Marshall," replied the other; "I'm determined I will know what he carries such a long switch for;" and he actually hurried after the old man, and stopping him, asked the question. With the greatest politeness the Chief Justice simply answered, "To cut my horse with," and rode on. The gentleman was so chagrined at his impertinent curiosity, and the quiet, dignified politeness of the Chief Justice that he wrote him an humble apology. Henry Clay called Marshall "the Father of the Judiciary." Robin, the Chief Justice's body servant and factotum, was almost as well known in Richmond as his master; finer manners or more faultless deportment could hardly be presented by the most educated and refined gentleman than characterized his bearing on all occasions. When walking the streets he was always dressed in a handsome suit of black; the coat with a large buff collar and wristbands, white vest and cravat, pants buttoned at the knee, and large silver buckles on highly polished shoes, finished his costume. With manners so polished as to attract the attention of strangers, some of whom have been known to return his graceful salutation and stop to inquire the name of his master, when Robin, beaming with pride and satisfaction, would answer, "Judge Marshall, sir—the Chief Justice of these United States." A niece of Judge Marshall's, who spent much time at his house, told me Robin worried the young ladies who happened to be staying there considerably by dismissing their beaux every day at dinner-time. In spite of all their entreaties the same thing occurred every day. Dinner was at half-past four. Regularly as the clock struck four Robin would appear, "ladies," he would say, "the judge has come from Court and gone to his room to prepare for dinner; gentlemen, we have arranged places for you and will be very glad if you will remain; dinner will be served in half an hour." Then he would throw open the door, and bold indeed would be the young man who could remain and detain the young ladies from their preparations for dinner in the face of this gentle but determined hint. The young ladies assured him they could hear the dressing-bell and needed no other warning, but it was all to no purpose. Uncle Robin had his ideas of propriety, and generally had his own way. A gentleman told me he met the Chief Justice one morning during harvest hurrying out to his farm. He had a large jug resting on the pommel of his saddle, and having lost the cork was holding his thumb in it for a stopper. It was whiskey for his hands. At a dinner he gave to a nephew and his bride, he drank this toast standing: "To all our

sweethearts." He presided for the last time in the Supreme Court in the winter session of 1835. During the latter part of this session his health was obviously failing. He was now eighty years old. It is said that "it was a touching and striking spectacle to see the tall, majestic, venerable man in his robe of office, move with firm step to his usual seat among his associates with his accustomed, dignified composure, and simple and artless grace of manner."

The righteous judge has given his last opinion, and has gone to appear at that bar the Judge of which "reserves to Himself the right to search the hearts of men." His tomb in Shocko Hill Cemetery consists of a marble slab, held by four upright columns. Upon the slab is the simple inscription he wrote two days before his death: "John Marshall, son of Thomas and Mary Marshall, was born on the 24th of September, 1755; intermarried with Mary Willis Ambler, the 3^d of January 1783; departed this life the 6th of July, 1835. Justice Story said: "His proudest epitaph may be written in a single line—'Here lies the expounder of the Constitution of the United States.'"

S. E. M.

LOUISVILLE, Kentucky, *June 6, 1884.*

ORIGINAL DOCUMENTS

SIR HENRY CLINTON'S ORIGINAL SECRET RECORD OF PRIVATE DAILY INTELLIGENCE

Contributed by Dr. Thomas Addis Emmett

WITH AN INTRODUCTION AND NOTES BY EDWARD F. DELANCEY

(Continued from page 544, Vol. XI.)

Intelligence from Rhode Island, 8th July 1781.

On the 16th June, 300 Recruits arrived at Providence from Boston, being all that were fit to march out of 750.* Two hundred came to Newport to relieve the same number of the old troops. On the 18th the first division of the French troops marched from Providence and the last on 21st. On the 19th the *Concorde* frigate arrived from Boston. The whole day spent in procuring pilots; they got ten. Fourteen it was said were on board from Boston. Of this I am not certain. Their destination for the West Indies, to pilot the *Count de Grassé's* squadron upon the Coast, who certainly comes with a powerful body of troops and ships. I conceive their design is to give Mr. Rodney the slip, and their object at present is certainly New York; if that is thought impracticable, Virginia. Should the Royal Army continue in that Province, Point Comfort should certainly be strongly fortified, as it commands the entrance of the River, and Hampton road.

The *Concorde* sailed the 20th with a fine wind; the same day communicated the circumstance to our friend, who I suppose informed you, as it must be of the greatest importance that Admiral Rodney should be in a state of Equipment with provisions and water, instantly to follow them. — The Fleet at Boston, consisting of The *Sagittaire* of 50, *Hermione* 36, *Gentile* 36, *Astrea* 36, and *Ariel* 20, are daily expected with some of the transports with flour, stores, provisions, &c. The State of the Province, † Discontent, Murmuring at the weight of Taxes which can never be raised. Many of the towns refuse both Men & Money.

The Fleet ‡ have salted up a considerable quantity of meat during the Winter, and as to flour, Connecticut and York Governments have been ransacked to supply them; a considerable quantity was got from Delaware.

* This was the true strength. Gordon's History puts it at 1,500 men, other writers at different numbers, all which are errors, as proven by Blanchard, who says (*Journal*, 103), these reinforcements were, "two companies of artillery and five hundred men drawn from different regiments who were to fill up ours and be incorporated with them." They arrived at Boston on the 8th May, 1781.

† Massachusetts.

‡ French Fleet.

The Admiral is old ; appears to love ease and quiet ; but has the reputation of being brave.*

Our numbers here consist of 450 French ; 300 Militia ; eight Field pieces, (four and three pounders) 2, 12 Ditto, in the Goat-Island Battery, and not a gun or platform in any of the Forts besides.

About 500 Sick belonging to the Fleet, in hospitals and tents. 300 altogether unfit for duty. The rest Scorbutic and Convalescents.

We are much mortified at the Conduct of the British Admiral ; Frigates, Privateers, Prizes, &c., pass in and out of the harbour without molestation : Guns and stores are transported along shore to Hartford, and our port [is] in every respect perfectly opened.†

June 26th.

P. S.—The Neptune, 76 ; L'Eviellè 64, and Romulus 44, have been under sailing orders since the 24th ; either to meet the expected fleet from Boston, or to look for the Concorde who 'tis reported, has been severely handled by a British Frigate, & unable to proceed on her voyage : if this is true it is lucky ; as your account of this may be dispatched first.

I have received both yours.

The bearer of the above intelligence reports, that the last division of the French Army, marched through Hartford last Saturday. The greater part of the Legion were at that time at Lebanon and Colchester, but were to move soon. Connecticut is now about raising 3000 three months men.

The French transported all their heavy cannon and baggage to Connecticut River by water.‡

Intelligence, 8th July, 1781.

From Cap^t. Marquard.

Washington shifted his quarters yesterday, from Appleby's to Tho^s Tompkins, 2½ miles this side of Young's house, on the direct road.§

Sheldon's Dragoons are with Washington. Their advanced post at the Widow Underhills on the Tucky-hoe road. N B. They shift their out-posts frequently from one place to another.

The heavy baggage that had been left at Peekskill arrived at Washington's camp the 6th July early. It was reported that 3000 men joined him at the same time : but it is rather [more] credible that it was the baggage Guard.

* This was de Barras.

† The English naval commanders seem to have been paralyzed during the whole summer of 1781, almost, if not quite, as much as Sir Henry Clinton himself. Jealousy, suspicion and indecision, as well as corruption, reigned supreme, afloat as well as ashore.

‡ Though unsigned, this intelligence was most probably from Dr. Haliburton of Newport, several of whose letters have been given before.

§ See Marquard's letter, of 8th July, *ante* (June Mag. Am. Hist.). This was Washington's first change of his headquarters, after the junction of the French and American armies at White Plains.

Their provisions comes by water as far as Singing and Tarrytown; from whence it is carried in Waggon to their Camp.

Four heavy pieces of Cannon at Washingtons quarters.

The French Cavalry at the Plains,* their advanced posts at Benjⁿ. Underhills; on the direct road to Stephen Wards, $3\frac{1}{2}$ miles from the Court house.†

No account of the French Artillery; they are very strict, nobody being allowed to come into their Camp.

The Strength of the French & Rebels about 7000 men. The number of Cavalry from 350 to 400. The Rebels are very busy in cutting all the grass. All the wheat fields are priced, and the Inhabitants forbid to touch them.

One hundred and one wounded in the affair of the 3d July, were carried to Singing, from whence they were sent up the North River.‡

The position of the Rebel and French Army the same as the day before yesterday.

From Capl. Marquard, 8th July 1781.

Agreeable to the Report of two deserters, the Armies of the French and Rebels consists of the following Regiments—

	Men.	Horses.	Guns.	Howitzers.
Bourbonnois.....White with black.....	1000.....	.....	4	
Soissonnois....." " Red.....	1000.....	.....	4	
Saintonge....." " orange.....	1000.....	.....	4	
Royal Deuxponts.....Light blue with yellow.....	1000.....	.....	4	
Legion de Lauzun.....	300.....	.....	4	
Huzzars §.....	.....	250.....	3	
Artillery.....	200.....	.....	50.....	32
Total French	4500	250	73	32
5 Connecticut Regiments.....	2000			
10 Massachusetts ".....	3000			
1 Rhode Island ".....	300			
2 New Hampshire ".....	600			
} 150 of Sheldon's horse besides some field pieces.				
New England Line,	5,900			
Total 10,400 men, 400 horse.				

* On Chatterton Hill at White Plains.

† Towards Eastchester.

‡ These casualties in the fight with Lincoln, between Cortlandt House and Kingsbridge, were in addition to the four wounded prisoners sent to New York by the British, and the 19 killed, buried by them near Fort Independence, mentioned before in Capt. Marquard's letter of 4th July; thus making a total of 19 killed, and 105 wounded in that affair.

§ The following derivation of the word "hussar" appeared in an English paper in the opening of 1871, after the German successes in the war with France:—

"Most persons are by this time aware that the once mysterious word "uhlan," from the Polish "ulan," the bearer of a lance ("ula"), means nothing more nor less than a lancer. The hussar—coupled by Campbell with "the whiskered Pandour," and emphatically styled "the fierce hussar"—was once no doubt as great an enigma as the "ubiquitous uhlan" of last autumn. A contributor to the National Zeitung, in some interesting "Travels in Hungary," gives us the derivation of the

There are no other troops at the Plains* at present.

Six men per company are left at Newport, 35 men of Bourbonnois left at Providence; he don't know how many of the other Regiments. He says all their baggage is with them at the Plains.

The French Deserter seems to be damned cunning—I don't trust him at all.

Marquard.

From Capl. Marquard, 10th July 1781.

Washington's quarters are at Hammonds. The French General at White Plains at Falkener's. The French have a large train of heavy cannon. The whole computed to be upward of 6,000. It was reported there was a movement of the Enemy towards Pelham's Manor.† No particulars about it. They are collecting the Militia very fast.

From Col: Robinson, 11th July, 1781.

Hezekiah Traviss came in this day from Poughkeepsie which he left the 26th June, and says, when he got to Peekskill, Washington had marched with his army the evening before, but had left their tents standing; and he had an opportunity of viewing their Encampment which was very large.

That he came down to one Fishers near the White-plains where he had appointed a friend to meet him. This friend had been obliged to furnish horses for a French officer, and to attend him down to Rochambeau's quarters, after which he came to Fishers, and told him that he had been thro' the whole French army.

Rochambeau's quarters were at John Jenkins, 5 miles below White-plains. The French army was 5000, including 400 cavalry, with 4 large mortars, and 11 brass 12 pound cannon.

Washington's q^rs at one Applebys on the Manor of Philipsburgh. His army amounted to between 8 and 9000 Continentals, two-thirds of whom were new levies; Moyland's & Sheldon's Dragoons included. He had 5 mortars and 18 cannon. Washington had brought all the heavy cannon from the Forts, and had not left above 200 at West-point, where General McDougal commands. They had 72 flat-boats on the River, most of them at Tarrytown. They bring all their provisions from Westp^l by water and land them at Hunts at Tarrytown. Last Sunday great quantities were landed at that place. Washington's army lays from Tarrytown to

word, which, like the costume, is of course from the Hungarian. "Husz" in the Hungarian language signifies "twenty," "ar" signifies "price"; and "hussar" (pronounced like the German "hussar") means "the representative of twenty men." The word dates from the time of Mathias Corvinus, when, in national Hungarian levies, every twenty men were obliged to contribute to the army one perfectly equipped horseman, who, in accordance with facts, was styled "Hussar."

*The short name for White Plains.

†In the southern part of Westchester County, nearly due east from Kingsbridge, and Lower Yonkers.

Brunx River, and the French from Brunx River to the Sound, but what place he does not know.*

He saw no troops in Jersey; they were all gone to Washington; they were ordered to raise 1200 men in Jersey, for some months, to be sent to the army; and last Sunday they were warning the people together in order to do it. The militia in the upper part of New York Province were also under orders to be ready at an hours warning. Gen^l Clinton was at Poughkeepsie† when he left it.

They have 74 or 75 boats of different kinds; one of them a sloop of war; she is sloop rigged and may carry about 10 guns.—Two gun-boats—exclusive of the above, [and] eight or 9 Provision sloops.

The sloop of war, & gun-boats, cover Sneething's blockhouse,‡ 3 guns. The French have a great deal of baggage. They say we have 4000 men to defend New York.

From Cap^t Beckwith, 11th July, 1781.

The cavalry of the French legion is encamped upon Chatterton's Hill: their right flank is near Hunt's house: their left towards the Bronx. It is not accurately ascertained where the Infantry of this corps is posted. One French gen^l is quartered at Absalom Gidneys, a little to the right and in the front. Another French general is quartered at James Jenkin's about a mile and half near [er] to Kingsbridge, upon the road leading from Chatterton's hill to Mile Square.

The camp of the French Infantry extends from David Pugsley's, which is their right flank, to John Tomkins's, which is their left flank. The distance from the right of the legion cavalry to the left of the French line, which is the shortest space between the two corps, is above one English mile and a half.

From Cap^t Beckwith, 12th July, 1781.

Jos: Clarke§ returned this morning from Jersey; he went out last Tuesday night; he has been above Paramus, and gives the following Intelligence.

That the Jersey brigade consisting of about 400 men, without Artillery, halted at Paramus on Tuesday night, and marched yesterday afternoon about 2 o'clock. He met them, but quitted the road and lay down in a wood about 50 yards distant, when they passed him. They were upon the direct road to Sneething's,|| and he thinks they will pass the Hudson this day or night.

* This is an error, the French left was about four miles from the Sound in a straight line. The two armies together extended from Tarrytown to, and across the Bronx, at and just below, White Plains.

† Gen. James Clinton.

‡ The blockhouse at "Snedens Landing" described above in entry of 27th June (May No. *Magazine Amer. Hist.*).

§ Joseph Clarke, believed to be the son of Joseph Clark, M.D., of Stratford, Ct., who with all his family settled at Mangerville on the St. John's River, New Brunswick, after the war. This Joseph while on a visit to New York, died there in 1828.—II. *Sabine*, 2d ed., 314.

|| Snedens Landing mentioned above.

Every sixteenth militia man is to be embodied in Jersey. They are when assembled to join Washington.

The Rebels have 36 flatboats at Dobb's ferry. He knows nothing of any armed vessels.

He heard a person from West-point mention, that he had been in company with some Rebel Artificers there, who told him that their Artillery was to go from thence to the army on Monday last.

From Col: Robinson, 12th July, 1781. Intelligence by Moses Ogden, 11th July. 6 in the evening.

The Jersey brigade under Dayton, about 200 or 250 men, marched last Sunday for King's ferry. The Jersey Assembly have agreed to call the 16th part of the militia into 3 months service; to be commanded by a Mr. Hoogland. Likewise ordered 400 men to the Jersey brigade during the war. To give a bounty of 12 pounds, hard cash pr man, and to raise the money immediately by tax, &c.

The gentlemen Loyalists at Philadelphia are very anxious, and are about petitioning to have the River Delaware stopt by some means or other. They say if not stopt, they are fearful that Morris will accomplish his financier scheme as to cash &c., from the Havanna.

If [the] Delaware is stopt, it is their opinion they * cannot carry on the war for want of hard cash; as paper is now done, and all supplies for the army is contracted for in solid coin: and [they] have no other dependence only from Havanna, &c., for flour and other produce which they pay for in Solid Coin. They say it is Morris's greatest dependence.†

Report says, about 400 Batteaux from Canada to Ticonderoga with troops (what number have not heard) are arrived at Ticonderoga. It is likewise said that a body of troops and Indians have appeared at the North part of Wioming and decoyed a party of Militia into ambush, killed and wounded about 30. Forty escaped to tell the tale.‡

* The Congress.

† The undoubted truth is here stated. But who were "The Gentlemen Loyalists" of Philadelphia in 1781, who were so very anxious, and were "about petitioning to have the river Delaware stopped by some means or other?" All the prominent Loyalists there had been driven out in 1776-7, and banished, or had fled away, such as the Penns, the Allens, the Shoemakers, the Galloways, the Quakers who were exiled to Western Virginia, &c., &c. Who then could have been these other "gentlemen Loyalists" who, at this time, some five years later, were quietly living in Philadelphia? They must have passed as Whigs or they could not have remained in "the City of the Continental Congress." This Private Intelligence of Clinton shows that all was not gold that glittered in Philadelphia in 1781.

‡ The ambushing and massacre of Col. Zebulon Butler's forces—the famed massacre of Wyoming—by the British and Indians occurred on the 3d of July; this incorrect rumor of it came to Clinton's head-quarters from Jersey on the 12th, nine days later.

From Cap^t. Marquard, 13th July 1781.

Sir,

The bearer will deliver two men from Philadelphia.* On their way thro' Jersey they were taken up by Colonel Dayton, who was on his march with the Jersey brigade about 600 strong, towards Dobbs ferry. They escaped from him & got to the shore opposite the Guard ships, from whence they were brought over. They give it out for certain that Dayton crossed the North River yesterday to join Washington. A person who was in the French camp the day before yesterday informs me, that their Artillery Park consists of 36 pieces of Cannon and Howitzers, and to each an ammunition waggon. That there are very heavy ones amongst them. The park is drawn up near Sear's house. Each French Regiment had some field pieces with them.

Col: Wurmb sends the following intelligence just now, that Washington's quarters was to be to-morrow at Edward Browns, two miles above Phillips's, on the North River road. That the army had been under marching orders these two days.

Marquard.

From Cap^t. Beckwith, 13th July 1781.

John & Moses Smedes came this day from Bull's ferry.† They left the Wall-kilns‡ about a fortnight ago. The inhabitants in that County assured them, that an army from Canada had crossed Lake George, and landed; but they cannot tell where nor do they know the number of troops which compose the expedition.

Fort Stanwix§ they were told was taken; they understood by stratagem, and the works destroyed.

The night before last about 10 o'clock, they fell in with the Jersey brigade at Pecksbridge, 4 miles above the Newbridge.¶ They were told there were 800 of them, & that they were marching to join Washington, passing the North River by Dobbs ferry. They think they crossed the North River last night.

14th July 1781.

Geo: James, a negro servant to a Cap^t of Sheldon's Dragoons, left them at 9 o'clock yesterday morning at their camp about $\frac{1}{2}$ a mile from Dobb's ferry. Sheldon's Reg^t consists of 350 men, of which about 100 are mounted, the rest infantry.

300 men came from the army to work at Dobb's ferry: ¶ they bring their arms,

*Peter Beattie and Michael Campbell, whose own account of themselves forms the second entry of 14th July following.

† Opposite Fort Washington, on the Jersey side of the Hudson.

‡ The Walkill valley in Ulster County, N. Y.

§ At the portage between the Mohawk and Wood creek, now Rome, N. Y.

¶ On the Hackensack River, N. J.

¶ On the Batteries then being erected at that place to protect the crossing of the Hudson to Sneden's Landing, N. J.

and go back about sunset. A Picquet of a Serg^t & 12 or 14 men, lies in the front of Sheldon's, on the road to Kingsbridge, and another of 4 men on a hill more on their left: both about a mile and a half from the Regiment. They had no camp equipage till yesterday morning, when the tents came to camp. No body of troops has crossed the River lately. He thinks the Jersey brigade is on the other side. The talk among the men is, that the French fleet is to come round to Sandy Hook, and that the Army, which is said to consist of 16,000 men, is then to attack Kingsbridge. They are in daily expectation of some French cannon from Rhode Island, and when they arrive, the army is to advance nearer.

From Cap^t Beckwith 14th July, 1781.

Peter Beattie and Michael Campbell, left Phil^a last Monday; they travelled thro' Jersey privately; came thro' Trenton, Princeton, Brunswick, Woodbridge, Elizabethtown, Newark, Hackensack, and crossed that river some miles above the Newbridge on Wednesday about midnight: at which time they were taken prisoners by some soldiers of the Jersey brigade. They were detained and marched with the corps till within 2 miles of Sneading's block-house, but taking the advantage of a halt, on Thursday, they made their escape into the woods, from whence they got opposite to the Guard ships* who brought them off.

They understood the Jersey brigade was to cross the river at that time to join Washington.

* In the Hudson, just above the City.

(To be Continued.)

MINOR TOPICS

BURR, HAMILTON, AND JAMES MONROE.

The communication from Dr. Charles R. King, entitled "Rufus King and the Duel between Gen. Hamilton and Col. Burr" (MAGAZINE OF AMERICAN HISTORY, March, 1884, pp. 212-217) recalls to my recollection a letter, written in August, 1797, by James Monroe to Alexander Hamilton, which I have always regarded with interest, as indicating something of Burr's *animus* towards Hamilton, as far back as seven years prior to their fatal meeting, in 1804.

This letter is the original draft (or a copy) in Monroe's own writing, filed by him among his private papers, and bears this indorsement in his well-known hand: "Augt. 6, 1797. Col. Hamilton—*Did he mean his as a challenge?*" It has been in my possession nearly forty years, and, so far as I know, has never been in print. I therefore now send a copy, for publication in the Magazine, as follows:

James Monroe to Alexander Hamilton

"Phila. Augt. 6th 1797

Sir.

I do not clearly understand the import of your letter of the 4th instant and therefore desire an explanation of it. With this view I will give you an explanation of mine which preceded it.

Seeing no adequate cause by any thing in our late correspondence why I sho^d give a challenge to you, I own it was not my intention to give or even provoke one by any thing contained in those letters. I meant only to observe that I sho^d stand on the defensive, and receive one in case you thought fit to give it. If therefore you were under a contrary impression, I frankly own you are mistaken. If, on the other hand, you meant this last letter as a challenge to me, I have then to request that you will say so, and in which case have to inform you that my friend Colo. Burr, who will present you this, and who will communicate with you on the subject, is authorized to give you my answer to it, and to make such other arrangements as may be suitable in such an event.

I am with due respect, y^r most Obt Servant,

JA^s MONROE"

No one, familiar with the rivalry between Burr and Hamilton, and knowing the hatred and vindictiveness of the former, can, I think, fail to see in the closing paragraph of Monroe's letter "the hand of Joab in this thing." To me it is clear that as early as 1797, Burr's animosity against his great rival led him to take part in a quarrel between Hamilton and Monroe. For, if the controversy had gone so far as to raise the question, *whether a challenge had been actually given*, and an inquiry

to that effect was thus made, through "*my friend Colo. Burr,*" who was "*authorized to make such other arrangements as may be suitable,*" it is evident that Burr was Monroe's confidential adviser, if not chief instigator, in a correspondence which he probably thought would be very likely to end in a Duel. One thing is most certain, whatever may or may not have been done by Rufus King to prevent the Duel of 1804, credulity itself will hardly assign to Aaron Burr the rôle of *peacemaker* in this case!

What the controversy may have been, between Monroe and Hamilton, to which this letter appertains—how it arose, and what it was about, or when and in what way it ended—I do not know, and have never been able to ascertain. This one, solitary letter, detached from the file, is the only part of the correspondence which ever came into my possession. No such quarrel, or controversy, between these two is clearly mentioned in any Biography of either, which I have read. The only possible allusion to it—and it is barely an allusion—that I can find, in the *Life and Writings of Hamilton*, by his son, is contained in the following extract from a letter of John Barker Church (Vol. VI., p. 261), dated

"July 13th, 1797.

Francis told me that Giles, Madison, and Findlay had frequent meetings at his brother's house, and that they used a variety of persuasions to prevail on him to accuse you of being concerned with Reynolds in speculation of Certificates. I suppose Monroe will be at Philadelphia to-morrow, and I think, from what I observed yesterday, that he is inclined to be very gentle, and that he is much embarrassed how to get out of the scrape in which he has involved himself."

I would be glad if any reader of the Magazine, who may be able to do so, would furnish, through its pages, some account of the difficulty between Monroe and Hamilton, to which the letter above given relates, and especially any facts throwing further light, if possible, on Burr's share in the transaction.

L. J. CIST

CINCINNATI, O.

FRANKLIN AND JOHN PAUL JONES

A small but precious collection of autographs has recently come into the possession of the Astor Library, and among them is a letter from Benjamin Franklin to John Paul Jones, which recalls the mutual helpfulness and friendship of these radically different characters of American history. Franklin's foreign diplomacy was, no doubt, materially aided by the enthusiasm of France at the exploits of this dashing rover of the seas, and Jones would never have trod the quarter-deck of a French frigate as its commander, if the calm philosopher and prudent statesman had not earnestly advocated his advancement. It was a singular co-operation between the wisdom of old age and the valor of youth, an old head and a young heart working together for the independence of their country.

When Jones ran over to Europe in the *Ranger* at the end of 1777, it was to Franklin, the chief of the United States Commissioners to France, that he applied for advice and instructions. During the weary months of waiting and longing for active employment that succeeded his first foray upon the coasts of Britain, Jones was in constant correspondence with Franklin, then Minister Plenipotentiary. Franklin exhorted him to patience, and urged him to come in person to the court of Versailles. Mindful of Poor Richard's saying, "If you would have your business done, come yourself, if not, send," Jones did become a courtier for a time, and with the aid of Franklin's powerful influence at last secured from the French government a ship, the name of which he changed to the *Bon Homme Richard* in compliment to his wise friend. Franklin's residence in France was the country house of M. Le Ray de Chaumont, at Passy near Paris, and this gentleman was on such intimate terms with court and ministry, that he was chosen to superintend the fitting out of the expedition, destined to cast immortal glory upon the name of John Paul Jones. After the famous encounter with the *Serapis*, Jones sent an account of his victory to Franklin, and heard in reply that all Paris and Versailles were talking of his "cool conduct and persevering bravery during that terrible conflict."

Sparks's edition of Franklin's works contains eleven of his letters to John Paul Jones in the years 1778, 1779, and 1780, but the letter in the Astor Library, given below, was written seven years later, on the eve of Jones's departure for Europe, when Franklin had reached the age of eighty-one, and is interesting as another proof of the long continuance of their friendship.

O. A. B.

"Philad^a July 22. 1787.

Dear Sir,

I am sorry I cannot yet send you the Papers you desir'd. My Grandson has remain'd in the Country longer than I expected, and is still there. But I will send them to you at Paris by the first Opportunity, under Cover to Mr. Jefferson. Be pleased to present my Respects to him, and acquaint him that the Convention goes on well, and that there is hope of great Good to result from their Counsels. I intend'd to have wrote to him: but three Days Illness from which I have hardly recovered, have prevented me. Please to acquaint Mr. Short, too, that I received the Packets he was so kind as to send me, and am much oblig'd to him for his Care of them.—I wish you a good Voyage, and every kind of Prosperity; being with sincere Esteem, Dear Sir,

Your most obedient

& most humble Servant

B. Franklin

I am not able to write by this Ship to any of my Friends in Paris, being so weak as to be scarce able to finish this Letter.

Hon^{ble} Commodore Jones."

JOHN COLTER

EDITOR OF MAGAZINE OF AMERICAN HISTORY :

The article by P. Koch on the "Discovery of the Yellowstone National Park," in your June issue, excellently opens an avenue of research that ought not to have been so long neglected. In the hope of stimulating further investigation I send you a few notes on the subject. My interest in the matter has been intensified by fourteen days of wandering in the Park last August with only three companions.

In Mr. Koch's paper (XI. 499, 506), the Sulphur Springs, on the Stinking Water, are put down under the name of "Colter's Hill," or said to be so set down on old maps. Is *hill* a misprint for *hell*?* or did map-makers really think it best to tone down a harsh expression, lest it should grate on ears polite? Colter's *Hell* must no doubt be the real name. Says P. W. Norris, Superintendent of the Park, in his report for 1880, p. 28, "Coulter's Hell was a standing camp-fire jest upon now well-known realities, for many years, even long after I was first upon the Lower Yellowstone."

How far back can the phrase, Coulter's Hell, be traced? That pair of words, well followed up, may be a clew to mysteries in Park discovery that are still labyrinthine.

Again, Mr. Koch spells the name of Captain Clark with a final e. Here is a clear orthographical mistake. No such final letter is found on the map to which Mr. Koch refers. None was used by Captain Clark himself; I have in my hands the most interesting letter he ever wrote, namely, from the Mandans in the spring of 1805.† It is in perfect preservation, and his signature has no final vowel.

"Fort Mandan in Lat 47° 21' 47" N

Long 101° 25' W

April the 2nd 1805

Dear Major [W^m Croghan]

By the return of a party of soldiers and Frenchmen who accompanied us to this place for the purpose of assisting in transporting provisions &c. I have the pleasure of sending you this hasty scrawl, which will do little more than inform you where I am.—My time being entirely taken up in preparing information for our government, and attending to those duties which are absolutely necessary for the promotion of our enterprise, and attending to Indians, deprives me the satisfaction of giving you a satisfactory detail of this country. I must therefore take the liberty of referring you to my brother to whom I have enclosed a map and some sketches relative to the Indians. Our party has enjoyed a great share of health, and are in high spirits. We shall leave this place in two days on our journey. [They did so April 7.] Country and river above this is but little known. Our information is altogether from Indians, collected at different times and entitled to some credit.

* The word *hill* is a misprint. In Mr. Koch's manuscript the name is "Colter's Hell."—Editor.

† Contributed through the courtesy of Dr. Lyman C. Draper, of the Wisconsin Historical Society.

My return will not be so soon as I expected. I fear not sooner than about June or July 1806 [It was in fact late in September of that year.] Every exertion will be made to accomplish this enterprise in a shorter period. Please to present me most respectfully to my sister Lucy [wife of Major Croghan] and the family, and accept the assurance of my sincere affection, &c.

W^m Clark

[P. S.] I send my sister Croghan some seed of several kinds of grapes."

It is admitted that to John Colter must be ascribed the first intimation of the existence of the volcanic region at the head waters of the Yellowstone and Madison rivers. Hence every particular regarding Colter's adventures in the Far West becomes of such interest that it ought to be garnered in. With this view Mr. Koch, in his paper on the "Discovery of the Yellowstone National Park," has inserted an account, two pages long, of Colter's capture by Indians and his miraculous escape. This narrative was borrowed by Mr. Koch from an article by W. F. Sanders, in the first volume of "Contributions to the Historical Society of Montana" (Helena, 1776, p. 101). But where did Mr. Sanders find the story? He himself does not state, merely saying, that he "gives it as it has long been told, both in print and otherwise."

Had the *original* account of Colter's Indian experience been known either to Mr. Koch or Mr. Sanders, I think it would have been mentioned, and I am very glad that I am able to supply their omission, and to bring on the stand a contemporary witness.

Colter's story, as told by himself, is printed in "Travels in the Interior of America in the years 1809, 1810, and 1811, by John Bradbury" (Liverpool, 1817, p. 19 et seq.). Bradbury, a botanist, who pushed up the Missouri well-nigh to the Yellowstone, had an interview with John Colter on the 18th March, 1811. The meeting was on the Missouri, at the mouth of Bœuf Creek, four days' canoe voyage up the river from Saint Louis. Colter, Bradbury says, was then living within a mile of Bœuf Creek, had come down the Missouri 3,000 miles in thirty days in a small canoe, arriving in Saint Louis, May, 1810, and had been seen there and then by Bradbury. Bradbury obtained an account of many adventures from Colter, but says that he relates only one. It is probable that he committed others to writing, perhaps to the English press, which transatlantic research may bring to light. Some of these may prove to be the earliest reports concerning the geyserite region. John Potts, who was killed at the time Colter was made prisoner, had served with him under Lewis and Clark, but was not discharged until the party had reached Saint Louis. It does not appear how or when he ascended the Missouri or joined Colter again. Bradbury describes Colter as very eager to go up with him into the heart of the continent in 1811, and as only prevented by having just married a wife.

Some light is thrown on Colter as the Columbus of the Park, by scrutiny of

Lewis and Clark's Journal, and especially the map drawn by Clark, as well as his subsequent life.

In 1806 Lewis and Clark, returning from the Pacific, on the third morning after passing the mouth of the Yellowstone, were surprised to meet two white men—the first they had seen for years. These were Dickson and Hancock, who had come from the Illinois on a hunting excursion up the Yellowstone. These trappers accompanied the Captains down the river for three days to the Mandan villages, and meantime won the heart of Colter.

In the Journal of Lewis and Clark we read (Vol. II., p. 407), Saturday, 14 August.—“In the evening we were applied to by one of our men, Colter, who was desirous of joining the two trappers who had accompanied us, and who now proposed an expedition up the river, in which they were to find traps and give him a share of the profits. The offer was a very advantageous one, and as he had always performed his duty, and his services might be dispensed with, we agreed that he might go, provided none of the rest would ask or expect a similar indulgence. * * * We supplied him, as did his comrades also, with powder and lead and a variety of articles which might be useful to him, and he left us the next day.”

If the secret of being dull did not lie in saying every thing, I would add various gleanings from the Lewis and Clark Journal showing how well Colter had done his duty for years. But I forbear.

The “dotted line” mentioned by Mr. Koch on the “Maps of Lewis and Clark's Track,” is worthy of more particular description, for it is not found in many editions (as in the Dublin, 1817), and it may lead to further discoveries. That line starts from the upper waters of Pryor's Fork of the Yellowstone. Passing to the Big Horn, up it to Stinking Water, and up that stream nearly to a point marked “Boiling Spring;” it then returns via Clark's Fork to the point from which it started.

A second loop of dotted lines leaving the first at the highest branch of Clark's Fork, crosses to the Yellowstone and up it some distance, leaves it for the north point of Lake Eustis [Yellowstone Lake] runs south along its west shore, and then, leaving Lake Biddle [Jackson] on the left, it reaches a branch of the Rio del Norte [Green River of Colorado] written down as *Colter's River*. Thence via the Upper Big Horn, the Salt Fork of the Stinking Water and the Boiling Spring, it returns to its starting-point. The legend *Colter's Route in 1807*, appears on the dotted line as it crosses from Clark's Fork to the Yellowstone. Just beyond its crossing of the Yellowstone are the words *Hot Spring, Brimstone*.

It is natural to ask “How came these dotted lines on the map of Lewis and Clark?” their track was nowhere near the dotted lines, and their two octavos will be searched in vain for allusions to Yellowstone phenomena.

But the original drawing of the map was made by Captain Clark, and by him also the dotted lines and legends must have been added. When Colter arrived at Saint Louis in 1810 Clark had become governor there, and he knew Colter well. In Clark's papers then there is another possible source of further information about Colter's wanderings for three years and more after his discharge in 1806.

At the date of Colter's return to Saint Louis the only newspaper there published was the *Missouri Gazette*. The only copy of it now known to be in existence has been searched for me, but no syllable has been discovered concerning Colter, and only one line concerning Bradbury.

The earliest use of the word *geyser* to describe Park water-spouts should be sought out as indicating the time when those wonders first met the eyes of one who could tell what he had seen. Thus far, the earliest mention of the Western water-columns as *geysers*, appears to be in the article cited by Mr. Koch (p. 506) as published in 1842 at Nauvoo, although written possibly in 1833.

Nothing is more needed as a contribution to Western annals than a new edition of the Travels of Lewis and Clark. That work would have been prepared for the press by Capt. Lewis but for his death. It was prepared by hack writers, Paul Allen and Nicholas Biddle. Many details must have been omitted as unimportant, that in the light of subsequent events would be precious. Thanks to the care of Jefferson the original diaries in a dozen volumes are all treasured in the archives of the American Philosophical Society of Philadelphia. Let them not wait longer for a worthy redaction.

MADISON, Wis.

JAMES D. BUTLER

NOTES

NAZING—In his "Memorials of the Pilgrim Fathers," a paper written for the Royal Historical Society, W. Winters thus describes the sequestered village of Nazing, England: "At first sight it presents a rather antique and interesting appearance, and one might justly suppose that little improvement had been made in the neighborhood for centuries beyond the recent erection of a few new buildings. Many of the domestic buildings, which are shaded by gigantic oaks and elms, the resort of rooks and daws, are, we imagine, much about as they were when the Pilgrim Fathers took their last farewell of the place of their nativity. This 'original and select' state of things may, however, be partly accounted for by the isolated situation of the village, it being some distance from the smoke and noise of the 'iron horse.' The nearest approach by rail to it is either from Waltham, or Broxbourne Station, on the Great Eastern Railway. Several of the old houses inhabited by farm laborers have thatched roofs, gable fronts, low eaves, with massive stacks of chimneys, many of which are built outside. There are other wooden houses of a higher class, with tiled roofs and gable fronts, the upper story considerably overhanging the lower, many of which are very picturesque and others are equally rustic, and built exactly in the same style as the old house erected by William Curtis (a native of Nazing), in 1638-9, 'on the margin of a little stream called Stoney Brook in Roxbury, Massachusetts.' One would naturally suppose that he had the plan of one of those houses now standing in Nazing before him when he erected

that venerable homestead on the other side of the broad Atlantic. If we were permitted to search over some of the old deeds, now in the possession of the owners of these ancestral homes, it is quite possible we might discover the very houses once occupied by the Pilgrim Fathers prior to their departure for America."

WEBB-LIVINGSTON DUEL—The dispute between General Webb and William Livingston, jun. Esq., was terminated at Powles Hook, on Tuesday the 5th inst. in a manner that does credit to the parties; and must, we conceive, be pleasing to the real friends of both. The distance was agreed upon and the pistols loaded by their seconds—on a signal agreed upon for the gentlemen to discharge, General Webb fired—Mr. Livingston reserved his, and addressed General Webb in the following manner: "Sir, you have missed me—I came here to answer demands you had against me—had you suppressed *that letter*, which I never said you had, your life would be a recompense I cannot ask—I shall discharge my pistol in the air." Which he did. The seconds declared the contest honourably settled, and to General Webb that he had ample satisfaction, and advised the contending gentlemen to reconciliation and friendship, which took place on the ground.—*N. Y. Packet, September 11, 1786.*

W. K.

CENTRAL NEW YORK—First Centennial Celebration of the settlement of Whitestown, 1784-1884. The one hun-

dredth anniversary of the first settlement at Whitestown, was celebrated on the 5th inst. under the auspices of the Oneida Historical Society, at Utica, N. Y. A large concourse of people assembled on the Whitestown green at an early hour, and at 11 A.M., Hon. Charles Tracy, of New York, opened the exercises with an historical address, which was followed by speeches from Rev. A. I. Upson, D.D., W. M. White, Chairman Campbell, Rev. Dr. M. E. Dunham, John F. Seymour and others. A poem was also read by B. F. Taylor. A handsome monument has been erected upon the spot where the first settler, Hugh White, erected his house, the cost of which was provided for by private subscription. In tracing the growth of the town of Whitestown, the Hon. Charles Tracy said: "This town furnished to the Court of Errors in 1805, the first chancery case in the State on rights in a stream of water, as affected by occupation and by unwritten agreements between the proprietors of adjacent lands. In 1809, this village gave the Supreme Court its first case on the law of escapes. The jail liberties here which were free to imprisoned debtors, were so established that a certain sidewalk was within the liberties, but the adjacent roadway was not. A prisoner strolling on a winter day found this sidewalk encumbered with a snow-drift, and he stepped out into the roadway and walked there a few rods; and the sheriff being sued for this as an escape, was condemned to pay the creditor the whole amount of the judgment, being over \$5,000. Each of these cases was argued ably by Whitestown counsel, was considered by the courts with care and fully reported. Many au-

thorities were cited, but all were from English authors on decisions of English courts. Not a New York nor an American case or authority was referred to; and probably because there was none in existence."

An elegant collation was served by the ladies of Whitestown in honor of the occasion, to which some nine hundred guests were invited.

COINS A CENTURY AGO—Mr. Domett, in his "History of the Bank of New York," speaking of the coins of 1784, says: "Both the Johannes and the moïdore were gold coins of Portugal; the Johannes being so called from the figure of King John which it bore. The Caroline was a German coin, and the pistole was of the same value as the Louis d'or. The chequin, sometimes written zeechin, zechin, and sequin, was a gold coin, and had its name from La Zecha, a place in the city of Venice where the mint was situated. The chipping and sweating of the gold coins in circulation had long been carried on in New York, and as far back as 1770 the Chamber of Commerce had stigmatized it as an 'evil and scandalous practice,' and had passed a resolution agreeing not to take the light coins, except at a discount of fourpence for each deficient grain. A good deal of trouble was experienced at the bank after it commenced business from this source, and Hamilton was for some time occupied in devising a method of receiving and paying out gold. This had been done elsewhere by weighing in small quantities; a practice which was attended with many evils, and for which, in the absence of a national coinage, it was difficult to find a substitute."

QUERIES

WAS Dutchess County once known as Nine Partners? If so, was the name derived from its being owned by nine men, and what were their names?

A. H.

ANNISQUAM, Mass., June 10, 1884

CAN any of the readers of the Magazine tell me how many Americans re-

ceived the honor of Knighthood previous to the Revolutionary War?

PENOBSCOT

NEW YORK, June 12

WHO can tell me why Delaware is called the "Blue Hen's Chicken," and when it took the name?

DUKE

DOVER, Delaware, June 16

REPLIES

SLAVERY IN MASSACHUSETTS—*Editor of Magazine of American History*:—In connection with the article on "Slavery in the Colony and State of New York" [xi. 408] you afterward printed [xi. 552] a copy of a bill of sale of a negro woman in New York. Here is the account of the sale of a negro woman and boy to a resident of this town, Melrose, Mass., then North Malden, which I copied verbatim, et punctatim, et literatim, from the original now in possession of a fellowtowns-man, Mr. Artemas Barrett.

E. H. GOSS

MELROSE, May 30, 1884.

"Know all men by these present that I Thomas Nickels of Reding In the County of middlesex gentilman for and in Consideration of the sum of thirty three pounds six shillings and Eight pence lawfull mony of New England to me in hand paid by piniash [Phineas] Sprague Jun. of Malden in the same County above s^d Cordwinder whereof I do hereby acknowledge the Receipt and my selfe therewith fuly and entirely satisfied have bargened sold set over and Delivrd and by these present in plain and open markit according to the due fourm of law in that case mad and provided do bargain set over and Deliver

unto the said phinas Sprague Jun a negro woman named pidge with one negro boy to have and to hold to his proper use and behoofe of him the said phinas Sprague his heirs, executors administrators and assigns for ever and I Thomas nickles for my self my heirs executors adminiserators and assigns ganst all in all manner of person I shall warrant and for ever Defend by these present. In witness whereof with the Deliver of the bargained persons I have set to my hand and seal the twenty five Day of april in the 17 fifty three year of y^e Reign of oure Sovereign lord gorg the Second over grate Britton.

Thomas Nichols [seal]

Signed and our Seal 1753 and Delever in the present of us

Jon^a Kidder
Edward Lambert "

JAMES VAN CORTLANDT—The mention in the Clinton *Private Intelligence* Papers in the June number of the Magazine [xi. 537] of Mr. James Van Cortlandt, of Yonkers, induces me to send you the annexed notice of him:

"On Monday last, after a long and painful illness, died in this city, James Van Cortlandt, Esq^r, of Yonkers, in the

County of Westchester, in the 55th Year of his Age.—To say that the Death of this worthy Gentleman is sincerely regretted by all who knew him, is a Tribute justly due to his Merit. His tender and affectionate Temper endeared him to his Relations, and their Connections. His Probity, Candour and Hospitality made his Acquaintance to be sought, and his Friendship highly valued, by the first Families and Characters in the Province; while his Humanity, Benevolence and Condescension procured him the Love and Respect of all Ranks of People.”—*Gain’s New York Gazette and Weekly Mercury, for Monday, April 9, 1781.*

WESTCHESTER

June 9, 1884

THE FRIGATE *Huzzar* [xi. 550]—Historians have passed over slightly, even if they have mentioned at all, the wreck of the *Huzzar* in Hell-Gate, and it is chiefly among the newspapers of the time that information must be sought regarding it. The *Providence Gazette*, of December 9, 1780, says: “A New British Frigate of 32 guns, one of the convoy of the Cork fleet which lately arrived at New York, we hear was lost last week coming through Hell-Gate, and a great part of her crew perished.”—The *Boston Gazette*, of December 13, 1780, says: “We learn that the *Huzzar* frigate was cast away in Hell-Gate the latter end of last month, when all the people except 80 were lost with the frigate.” In a letter from Fletcher Yetts, a petty officer of the *Huzzar* at the time, to the *Edinburgh Observer* (Scotland), appears the following account of the wreck:

“The *Huzzar* struck on Pot Rock near three o’clock in the afternoon of the 23rd of November 1780, and did not

go down till she swung several miles up the Sound, when she went down in a bay called “The Brothers” at 7 in the evening, same day, in seven fathoms of water; and a strong current then running at the rate of nine knots an hour, occasioned the loss as near as can be ascertained of 107 fine brave fellows, part of her crew. When the accident happened the *Huzzar* was on her way from New-York to Gardiner’s Bay with despatches to Admiral Arbuthnot.”

Marshall, in his biography of Sir Charles Maurice Pole, the Captain of the *Huzzar*, says: “The officers and people except one, being all saved, and as no blame whatever could be imputed to Captain Pole in this accident, he was charged with Admiral Arbuthnot’s despatches to the Admiralty, and soon after his arrival in England received the appointment to the *Success*, 32 guns and 220 men.”

Other accounts make no mention of any loss of life, but there is one statement that 70 American prisoners taken from the prison ships in the Wallabout heavily ironed, went down with the vessel. The last is evidently sensational. The *Huzzar* was a frigate of 28 guns; built in 1763; gun deck, 114 feet 4 inches; keel, 102 feet 8 inches; beam, 33 feet 8 inches; hold, 11 feet; tonnage, 619; crew, 200.

W. A. MITCHELL

140 BROADWAY, New York

June 9, 1884

CHOWDER [xi. 550]—Chowder is an archaic Devonshire (England) word for a fish-seller. It is easy to imagine the transfer of the name from a seller to the fish itself.

U. K.

GERMANTOWN, Pa., Free Library

SOCIETIES

NEW YORK HISTORICAL SOCIETY—
At a stated meeting of the society, June 3d, Hon. Benjamin H. Brewster, United States Attorney-General, and Señor Don Jose Silverio Yorrin, of Havana, Cuba, were elected corresponding members. The paper of the evening, on "French spoliations before 1801," was contributed by the Hon. James W. Gerard. This very interesting and highly valuable monograph we take great pleasure in presenting to our readers in its entirety, in another part of this issue of the Magazine. Memorial resolutions on the decease of the late Charles O'Connor, formerly the first vice-president of the society, were adopted. The society then adjourned to the first Tuesday of next October.

THE MASSACHUSETTS HISTORICAL SOCIETY held its annual meeting in Boston, April 10, 1884, on which occasion the President, Hon. Robert C. Winthrop, LL.D., in an eloquent address, paid a tribute to the eminent French historian, Mignet, recently deceased. In his introductory remarks President Winthrop said:—"We come to our annual meeting once more, gentlemen, under circumstances of satisfaction and prosperity, which may well make us grateful for the past and trustful for the future. But I leave all the details of our condition for the annual reports of our council and treasurer, which will presently be submitted to you.

"It can hardly fail to have been observed that, by a striking coincidence, two of our leading sister societies have successively been bereaved of their presidents within a few weeks past. John

William Wallace, Esq., the late President of the Pennsylvania Historical Society, and the Hon. Augustus Schell, the President of the New York Historical Society, were accomplished and distinguished men who had rendered valuable service in their respective spheres, and whose characters entitled them to every consideration. Our records may well contain this passing tribute of respect to their memories, and of sympathy with our sister societies."

THE ONEIDA HISTORICAL SOCIETY—
The one hundred and seventh anniversary of the battle of Oriskany will occur on the 6th of August. On that date the Oneida Historical Society, at Utica, New York, will dedicate the fine monument which it has erected in honor of General Herkimer, and the brave men of his command who fell in this battle. The monument is already in position, and its four bronze tablets are now being attached. It only remains for the committee to grade, fence, put the grounds in order, and erect suitable entrances. The first tablet contains the memorial epitaph; the second tablet is a bas-relief of Gen. Herkimer, leaning against a tree, wounded, and directing the battle; the third tablet gives the roster; the fourth tablet is a bas-relief, representing a revolutionary soldier, piercing with his bayonet the breast of an Indian chief—thus showing the conflict of civilization with barbarism. The opening address is to be delivered by Hon. William Dorsheimer, M. C., and many guests from abroad are expected.

NEW YORK GENEALOGICAL AND BIOGRAPHICAL SOCIETY—The annual meeting was held in the hall of the Academy of Medicine, No. 12 West 31st St., on Friday evening, May 20. An admirable and eloquent address on William Wirt was delivered by Prof. William Mathews, LL.D., of Boston, the well-known essayist and author. At its close, General James Grant Wilson moved, and Judge C. A. Peabody seconded, a vote of thanks to Dr. Mathews, each making short speeches. Two valuable portraits were presented to the Society through General Wilson, one of Edward Livingston, author of the Civil and Criminal Code of Louisiana, American Minister to France, and a member of Jackson's Cabinet; and the other of Philip Livingston, who not only signed but most strenuously urged the adoption of the Declaration of Independence, the gifts of William Alfred Jones, Esq., of Norwich, Conn., a great-grandson of the signer. A vote of thanks was tendered to Mr. Jones, who is known as a scholar and author. Philip Livingston died in 1778, and Edward Livingston in 1838. They were both members of the distinguished New York family whose ancestor, Robert Livingston, obtained a patent of Livingston Manor in the year 1686.

THE MAINE HISTORICAL SOCIETY.—The spring or quarterly meeting of the Society was held at its library in Portland, May 22, afternoon and evening. Mr. H. W. Bryant, the librarian and curator, presented his report, showing large accessions to both library and cabinet. The Rev. Samuel Longfellow presented valuable autograph letters. Hon. Joseph Williamson, of Belfast, read a paper en-

titled, "A Historical Review of Literature in Maine." Rufus King Sewall, of Wiscasset, read a paper on "Wi-wur-na, and his speech at the Treaty at Georgetown, Me., 1717." Mr. John T. Hull exhibited pages of his copy of the first volume of the Records of York County, proposed to be published. In order that this important undertaking be carried successfully through, it is necessary that more subscribers be obtained.

At the evening session President Bradbury presented a volume of the silhouettes of the members of the famous class of 1825, of Bowdoin College; also, the broadside exercises at the graduation of the class. Hon. Joseph Whitcomb Porter, of Bangor, read a paper on Jonathan Eddy, David Cobb, and other Revolutionary heroes, who became settlers in Eastern Maine. The original account-book of Col. John Allan was produced, showing an entry for powder furnished to Col. Eddy, as *Commander at Machias*. Remarks were made by Gen. John Marshall Brown, Edward P. Burnham, Esq., Joseph Williamson, Esq., George E. B. Jackson, Esq.

The annual meeting for the election of officers and new members will take place at Brunswick in July.

CHICAGO HISTORICAL SOCIETY.—An adjourned meeting of this society was held on the evening of May 20, Hon. E. B. Washburne in the chair. Judge Mark Skinner offered resolutions, which were adopted, in memory of the late President, of the Society, Hon. Isaac N. Arnold; also requesting Mr. Washburne, at his convenience, to prepare a memorial address. E. H. Sheldon introduced a memorial notice of Sir Alpheas Todd

late of Ottawa, Canada ; and, as a mark of respect, his name was placed upon the records of the Society. Hon. William Bross having been appointed to prepare a memorial on the late Thomas H. Armstrong, the President then introduced William Henry Smith, General Manager of the Associated Press, who read an interesting paper upon "Charles Hammond, and his Relations to Henry Clay and John Quincy Adams." At its conclusion, Mr. Washburne appointed Messrs. E. H. Sheldon, Mark Skinner, and W. K. Ackerman, a committee to draft resolutions in memory of the late Cyrus H. McCormick. Before adjourning, the Society tendered Mr. Smith a vote of thanks for his interesting and instructive paper, asking that a copy be placed upon its records.

VIRGINIA HISTORICAL SOCIETY—A meeting of its Executive Committee was held May 17, in the Westmoreland Club House, Hon. A. M. Keiley in the chair. Mr. Brock, the corresponding secretary, officiated as recording secretary. Many valuable gifts were reported, chiefly of books. Also an admirable oil portrait of Major James Gibbon, who led the forlorn hope at Stony Point, painted by the late John B. Martin of Richmond, Va., and presented by his son, Rev. S. Taylor Martin. Col. Robt. Beverley, of Va.; Col. Samuel Adams Drake, of Boston; Gen. C. W. Darling, of Utica; and Mrs. Martha J. Lamb, of New York City, were elected members of the Society.

The following resolutions offered by Mr. Henry, were unanimously adopted:

Resolved, That this Society views with great interest the near approach to com-

pletion of the grand monument to Washington at the national capital, and that the members of the Executive Committee will attend the ceremonies which will be observed to commemorate that event.

Resolved, That we would express our high gratification at the selection of the Hon. Robert C. Winthrop, of Massachusetts, as the orator of the occasion, and we rejoice that he who, as Speaker of the House of Representatives on the 4th of July, 1848, delivered the oration upon the laying of its corner-stone, has been spared to perform a similar service at the completion of the monument, and that in him we have a fellow-citizen who by his virtues and his genius is eminently worthy of the occasion.

SOCIETY OF THE CINCINNATI—The triennial meeting of the General Society of the Cincinnati was held in Princeton, on May 14th and 15th, at the University Hotel, in charge of the New Jersey Society as hosts. This is the one hundred and first year of the existence of the organization, formed in 1783 for the purpose of perpetuating a friendly alliance and feeling between the descendants of the Revolutionary Army and French officers. Originally there were thirteen State societies, corresponding to the original thirteen States of the Union, and also a society in France. The only societies now in existence are seven: New York, New Jersey, Pennsylvania, Maryland, South Carolina, Massachusetts and Rhode Island. The sessions were presided over by ex-Governor Hamilton Fish, of New York, who is President of the New York State Society, and who has also been President of the General Society since 1854.

The following officers were elected: *President-General*, Hamilton Fish; *Vice-President-General*, Dr. W. A. Irvine; *Secretary-General*, Judge Advocate Asa Bird Gardner, LL. D., U. S. A.; *Assistant Secretary-General*, Richard I. Manning; *Treasurer-General*, John Schuyler; *Assistant Treasurer-General*, Dr. Herman Burgin. The delegates in attendance were: From New Jersey—Colonel Stanly Sims, Hon. John Fitch (of New York), Colonel Francis B. Ogden, William B. Buck, General Stryker. From New York: Hon. Hamilton Fish, John Schuyler, Major Christie, Professor Crosby, General John Cochrane. From Pennsylvania: General Grant Weidman, Hon. William Wayne, Richard Dale, Edmund H. McCullough, Francis M. Caldwell. From South Carolina: Gen. Willmot C. De Sausure, Colonel Thomas Pinckney Loundes, Felix Warley, Louis De Sausure, James Simmons. From Rhode Island: Hon. Nathaniel Green, ex-Governor William W. Hoppin, Major Asa B. Gardner, Hon. Henry E. Turner, Hon. Daniel W. Lyman. Mass.: Hon. Samuel C. Cobb, Dr. Charles Homans, Winslow Warren, S. K. Lothrop, William Perkins. Governor Robert M. McLane of Md., and Gen. Henry J. Hunt, U. S. A., of Mass., were unable to be present. Among those designated as alternates were: Rt. Rev. W. S. Perry, Bishop of Iowa, Rear Admiral Charles H. Baldwin, U. S. N., commanding the European Fleet, James M. Varnum, and Henry T. Drowne. The members of the Society were entertained by the State Society at dinner on the anniversary of the General Society dinner of the fifteenth of May, 1787, when President General Washington presided.

NEW JERSEY HISTORICAL SOCIETY—

The semi-annual meeting was held, May 15, in the rooms of the Society, Dr. S. H. Pennington in the chair. Judge Ricord reported for the Executive Committee, and paid a touching tribute to the late ex-Governor M. L. Ward, and Gen. N. W. Halstead. An interesting paper was read by J. F. Hageman on Samuel Allinson, which was received with much applause. An informal address was then delivered by Gen. James Grant Wilson, of New York, giving an agreeable account of his trip through Spain a few months since, who also presented to the Society a piece of the wall of the house in which Columbus was born near Genoa, and a relic from the house where he died.

NEW HAMPSHIRE HISTORICAL SOCIETY

held its sixty-second annual meeting at the Society's rooms in Concord, June 11, 1884, the President, Hon. Charles H. Bell, in the chair. The proceedings of the last annual meeting, and the report of the field day, were read by the Recording Secretary, Amos Hadley. Reports were also read by the Treasurer, and by various standing committees. A portrait of the late Judge Nathaniel G. Upham was presented to the Society by John Kimball, and accepted in behalf of the Society in a few well-chosen remarks by President Bell. The following officers were elected for the ensuing year: President, Charles H. Bell; Vice-Presidents, Jonathan E. Sargent, John M. Shirley; Corresponding Secretary, John J. Bell; Recording Secretary, Amos Hadley; Treasurer, Samuel S. Kimball; Librarian, Samuel C. Eastman. The next meeting will be held July 16, 1884.

BOOK NOTICES

A HISTORY OF THE BANK OF NEW YORK, 1784-1884. Compiled from Official Records and other Sources at the Request of the Directors. By HENRY W. DOMETT. 8vo, pp. 135. New York: 1884. G. P. Putnam's Sons.

The history of the oldest bank in the State of New York, and one of the oldest in the United States, cannot fail to interest a large community of readers, particularly as its existence covers the century of development, with its peculiar monetary vicissitudes and the great changes in financial policy which have made it notable in the annals of the business world. The condition of the country at the time of the formation of the bank, and the general appearance of the city, are sketched by Mr. Domett as an agreeable background to the sharply-defined figure of the infant institution. The Bank of New York presents, from first to last, one of those honorable records of which a continent may well be proud. This bank was founded in 1784 by men of the highest integrity; and its officers and directors since that time—for a hundred well-rounded years—have been faithful to the trust confided to their care. No doubt has ever existed as to its soundness, no question as to its methods. Surviving the trials that have proved too severe for many other banking corporations, it has ever stood like a faithful auxiliary, a tower of strength to the public and to the government.

Mr. Domett has performed his task in the most acceptable manner. His statements all bear the stamp of accuracy, and are clear, concise and forcible, while the merely statistical is brightened on nearly every page with valuable information of historical or biographical significance. The volume is elegantly printed and illustrated. Thirteen fine steel portraits of officers of the bank during the century grace the work, together with a half-dozen or more pictures of the buildings which the bank has occupied from time to time, and fac-similes of checks and bank notes.

EPITOME OF ANCIENT, MEDIEVAL, AND MODERN HISTORY. By CARL PLOETZ. Translated with Extensive Additions by William Hopkins Tillinghast. 12mo, pp. 618. Boston: 1884. Houghton, Mifflin & Co.

The distinguishing feature of this work is the arrangement whereby a brief connected narrative is accompanied by a clear, well graduated chronology, which emphasizes the sequence of events without breaking up the story or fatiguing the mind. It is intended for the use of upper classes

in the higher educational institutions, as a guide or handbook in the historical class-room. It is adapted also for private use, and facilitates rapid acquisition of information concerning historical matters which has for the moment escaped the memory. Especial care seems to have been devoted to the index, which is very full, and thus the book may serve the purpose of a historical dictionary as well as a chronology.

Prof. Dr. Carl Ploetz is well known in Germany as a veteran teacher, and the author of many educational works of high reputation. The translation of this "Epitome" (now in its seventh edition) is particularly welcome to American scholars. Mr. Tillinghast has enlarged the book, greatly increasing its value and general usefulness in this country, and for his able and conscientious work is entitled to the heartiest thanks.

POLLOCK GENEALOGY. A BIOGRAPHICAL SKETCH OF OLIVER POLLOCK, ESQ., of Carlisle, Pa., 1776-1784. With Genealogical Notes of his Descendants. Also Genealogical Sketches of other Pollock Families settled in Pennsylvania. By REV. HORACE EDWIN HAYDEN. Pamphlet, 8vo, pp. 59. Lane S. Hart, Printer, Harrisburg, Pa.

The growing interest in whatever concerns American history is shown in nothing more emphatically and conclusively than in the multiplication of works on genealogy, now being issued from the press in all parts of the country. Formerly the average citizen ridiculed the enthusiast who studied the family tree. At the present moment the really cultivated man or woman who takes no interest in ancestral questions is hard to find.

The Pollock family has an able genealogist in the author of this well-arranged and interesting pamphlet. The North Carolina Pollocks were intimately connected with Aaron Burr. Eunice Edwards, sister of Aaron Burr's mother, married Thomas Pollock, of Newbern, N. C., and they lived in Philadelphia from 1800 to 1806. The little work contains much interesting information aside from genealogy, and will be carefully treasured by all its fortunate possessors.

AIRS FROM ARCADY, and Elsewhere. By H. C. BUNNER. 16mo, pp. 109. 1884. New York: Charles Scribner's Sons.

This is an agreeable collection of poems in which we trace something more and better than the versifying capacity of a bright and clever writer. Mr. Bunner is a young poet of promise,

whose name has not yet become familiar to the reading public through much utterance, but his work, although in the guise chiefly of society verse, shows that he is gifted with delicate perceptions of truth, strong and healthful sympathies, an emotional nature, and a musical ear. We should say without hesitation that he possesses the genuine poetical impulse, and shall look with interest for future productions from his spirited pen.

MEMORIALS OF THE PILGRIM FATHERS. John Eliot and his Friends, of Nazing and Waltham Abbey. From original sources. Written for the Royal Historical Society. By W. WINTERS, F. R. Hist. Soc. Pamphlet, 12mo, pp. 80. Published by the author. Churchyard, Waltham Abbey, Essex, England.

Mr. Winters has published in this little work (mainly for the benefit of his American friends) a valuable study of the Pilgrim Fathers, read before the Royal Historical Society. He says in the opening narrative: "It is well known that there is no county in Old England that can claim precedence of Essex for honest and intrepid men, especially those of the Reformation age, who, for the sake of truth and liberty endured the tortures of the rack and fagot; and others of a later period feared not to exercise the right of conscience and private judgment in things agreeable to their religious impressions, until, overcome by the heat of persecution, they were necessitated to cross the stormy Atlantic in search of a home in the dreary wilds of the far West." The author furnishes no insignificant amount of original data concerning the lives of the Pilgrim Fathers prior to their embarkation for the New World, although he modestly implies in his preface that he has done little more than provide material for history, and foreshadows the possibilities in store for future historical writers. Among the numerous interesting features of the little work, is a description of the Parish Church in which the Pilgrim Fathers and their ancestors worshiped. The seats were of oak, and carved at the ends with a variety of grotesque characters. The inside of the south porch remains about as it did; it is paved with red tiles edgewise, and portions of two very ancient, coffin-shaped gravestones. There are several monumental inscriptions in this church to the memory of the Palmers of Nazing—an old resident family of some position in the days of the Charleses. Descendants of the same family are occupants of a fine old mansion beautifully situated near the church and within the park. Near by is a curious ruin known to the Pilgrim Fathers as Nether Hall. In 1871 the Essex and St. Albans Archaeological Society paid a formal

visit to the place; also to the famous Old Rye House, a short distance from the Hall.

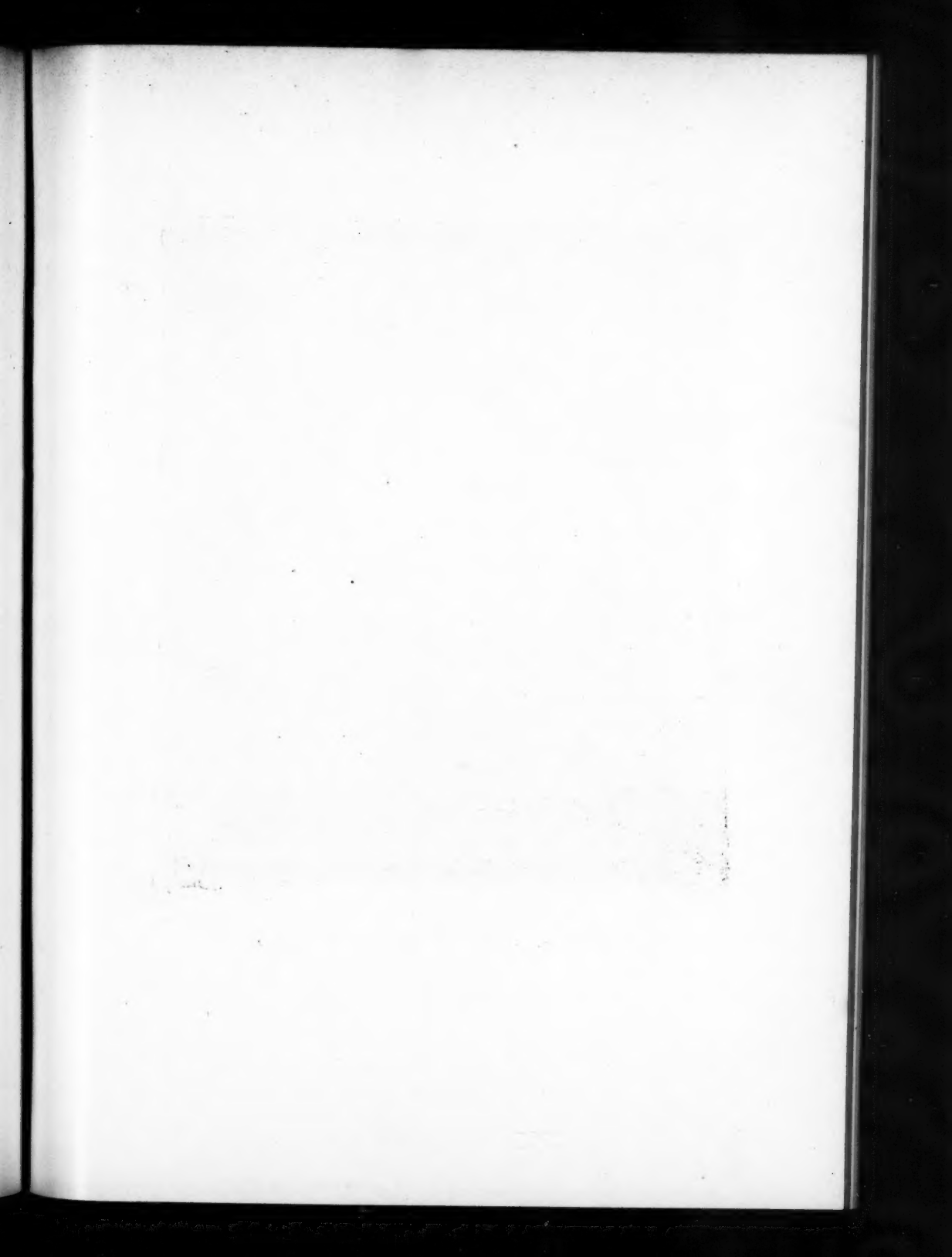
CONCORD IN THE COLONIAL PERIOD.

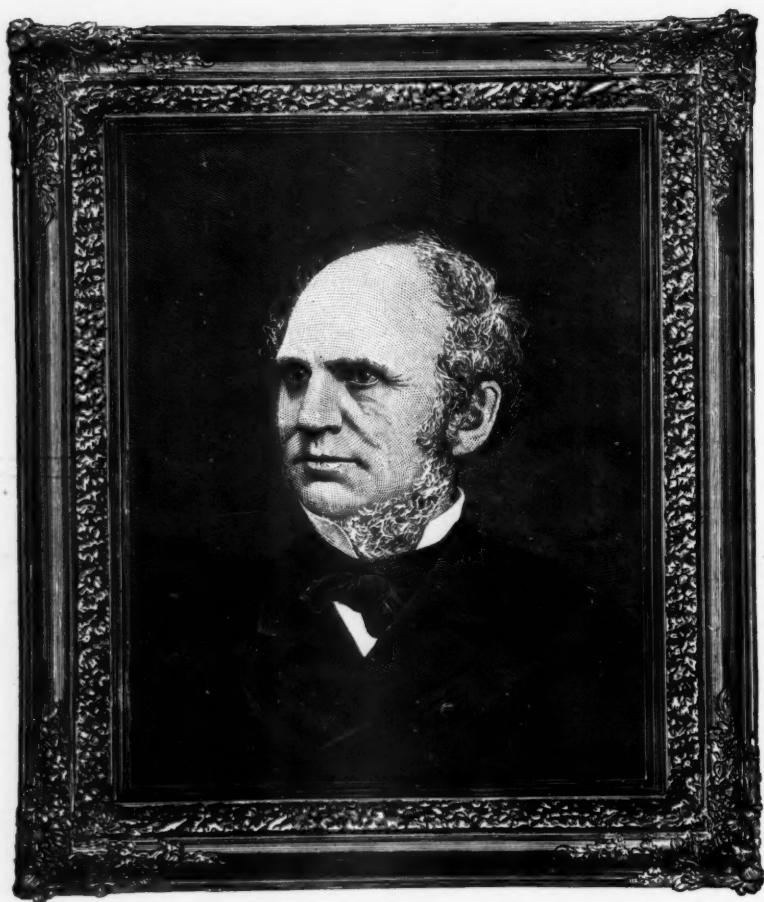
Being a History of the Town of Concord, Massachusetts, from the earliest settlement to the overthrow of the Andros Government. 1635-1689. By CHARLES H. WALCOTT. With map, 8vo, pp. 172. Boston: 1884. Estes & Lauriat.

The author of this volume tells us that the first houses in Concord were humble structures, with thatched roofs, and possibly wooden chimneys, and that oiled paper served in the place of window-glass. The second set of houses were more substantial in their construction, and some of them were dignified by the name of "mansions," but none survive at the present time.

The first church of Concord was organized in 1636, and the following year Rev. Peter Bulkeley was chosen teacher, and Rev. John Jones pastor. It is curious to trace in these pages many of the peculiar ideas of the people of that early period. Men were prosecuted for adversely criticising a preacher. One instance was that of Philip Read, who practiced medicine in Concord, and who imprudently said he could preach as well as Mr. Bulkeley, who was called by a company of blockheads, etc., and that the illness of one of his patients was caused by standing too long during the ceremony of administering the Lord's Supper. A flood of litigation descended upon him, he was fined £20, and finally went to live elsewhere. The volume before us has been prepared with painstaking care, the intention being to present the whole subject in the light of truth, without exaggeration or suppression of any facts of public interest. It is a contribution to history of permanent value.

ANNOUNCEMENT.—All lovers of American history will rejoice to learn that an extensive work, presenting specimens of American Literature from the earliest settlement of this continent to the present time, is soon to be given to the reading public. Its editors are Edmund C. Stedman, the well-known poet and *littérateur*, and Miss Ella M. Hutchinson, of the editorial staff of the New York *Tribune*. This "Library of American Literature" is to consist of ten handsome octavo volumes, containing distinctive, readable examples, from authoritative texts, of the writings of every class and period, and will form a collection that will be to our literature what a "National Gallery" is to national art. The extracts are longer than is usual in works of this character; and portraits of many of the authors are given. The first two volumes will be issued at an early date by Messrs. W. E. Dibble & Co. of Cincinnati. The work will be sold exclusively by subscription.





Walter Symonds

MAGAZINE OF AMERICAN HISTORY

VOL. XII

AUGUST, 1884

No. 3

THE STORY OF A MONUMENT

A STATELY monument of granite and limestone now marks the spot where the Revolutionary battle of Oriskany was fought, August 6, 1777. A history of the series of efforts to secure the erection of this monument is worth chronicling, not only because it belongs with the record of the completed work, but because it is aptly illustrative of the indifference of Americans to memorials which commemorate their history. Perhaps the story of how it was done, of the zeal and well-directed effort of the few men who accomplished it, will help to inspire a like zeal and effort among dwellers in localities of historic interest yet unmarked.

The story of the battle of Oriskany has been fully related in the pages of the *Magazine of American History* [October, 1877, and January, 1878]. There were aspects of that savage struggle in the woods which seemed to have impressed more deeply the men who directed the Revolutionary war than they have the subsequent historians of that war. The Continental Congress, as soon as it learned of the Oriskany fight and of the death of General Herkimer, from the effects of the wound received while directing the battle, unanimously passed this resolution, which appears in the proceedings for October 4, 1777:

"Resolved, That the Governor and Council of New York be desired to erect a monument, at Continental expense, of the value of five hundred dollars, to the memory of the late Brigadier-General Herkimer, who commanded the militia of Tryon County, in the State of New York, and was killed fighting gallantly in defense of the liberties of these States."

The Continental Congress was addicted to resolutions of this character, ordering monuments and trusting to the future to pay for them; its purse could not keep pace with its patriotism. But the Congress cannot be blamed for the failure to carry out its injunctions, nor indeed can anybody else. There is in existence the letter of Governor George Clinton, in which, covering to the Committee of Safety of Tryon County a copy of the above resolution, he requested that immediate steps be taken for the erection of General Herkimer's monument. The request was neglected